

Council Meeting of  
**February 9, 2010**

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

**PUBLIC HEARING**

Members of the Council:

**Subject: Community Development – Consider an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles.**

**PRE09-00004: Obelisk Architects (Mr. and Mrs. Anderson)**

**Expenditure: None**

**RECOMMENDATION**

Recommendation of the Planning Commission and the Community Development Director that the City Council deny the appeal and adopt a Resolution approving a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 122 Calle de Arboles.

**Funding:** Not applicable

**BACKGROUND**

The applicants are requesting approval of a Precise Plan of Development to allow the construction of a new two-story single family. This request was approved by the Planning Commission on November 18, 2009. On December 1, 2009, the case was appealed by the Law Offices of Beck & Browning representing two residents from the City of Palos Verdes Estates. They cited that the decision of the Planning Commission ignored the Hillside Ordinance by approving an application for a second story addition.

**Prior Hearings and Publications**

A Planning Commission Public Hearing was scheduled for November 18, 2009. On November 5, 2009, 103 notices were mailed to property owners within a 500 foot radius. On January 28, 2010, 138 notices of the City Council Public Hearing were mailed to property owners within a 500-foot radius and to Torrance Homeowners Associations. A notice of public hearing was posted at the site and a legal advertisement was published in the newspaper on January 29, 2010.

**Environmental Findings**

New construction of one single family residence in a residential zone is Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301(e).

## **ANALYSIS**

The property is an interior rectangular lot that is 6,260 square feet in area, and is located in the R-1 Zone, within the Hillside Overlay District. The lot is currently developed with a 1,736 square foot one-story single family residence with an attached two-car garage. The applicant is requesting approval of a Precise Plan of Development to allow the construction of a new two-story single family residence. The total area for the new project is 3,439 sf. On the first floor, the project will include four bedrooms, the garage and a den. The second floor layout will feature the living area, kitchen and an office. The remodeled house will feature a Mediterranean style with a combination of clay tile, smooth stucco, exposed rafter tails, and matching wood trim throughout the house. The following table summarizes the information about the project:

### **Project Information**

• Lot Size	6,260 sq. ft.
• Proposed 1 <sup>st</sup> Floor	1,705 sq. ft.
• Proposed 2 <sup>nd</sup> Floor	1,288 sq. ft.
• Proposed Garage	446 sq. ft.
• Total Property Improvements	3,439 sq. ft.

### **Calculations**

• Proposed Floor Area Ratio (FAR)	.55 %
• Proposed Lot Coverage	34 %
• Proposed Building Height	26.64' ft.

Before the Planning Commission hearing, Staff was contacted by neighbors in the area who expressed concerns about the proposed construction. The neighbors at 126 Calle de Arboles indicated that they were supportive of most of the project, but they were concerned about a proposed wood trellis on the second floor front balcony as it would obstruct part of their ocean view. The applicant was notified of the situation and the plans were revised to reflect the elimination of the mentioned trellis entirely. The neighbors at 202 Calle de Arboles also noted impacts to their ocean view from their attic area. However, this neighbor noted at the public hearing that he was not objecting the project.

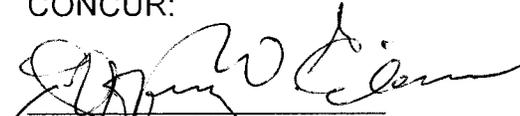
Additionally, the neighbors at 2501 and 2505 Via La Selva (neighbors behind the applicant's property) have indicated potential view impacts to their properties. It should be noted that these properties are located in the City of Palos Verdes Estates and are not part of the Hillside Overlay.

In the judgment of staff, this project as conditioned does not appear to cause adverse impacts on the view, light, air or privacy of other properties in the Hillside Overlay. The applicant has prepared a plan that complies with the R-1 standards, meets the open space requirements and is within the allowable lot coverage and Floor Area Ratio. The proposed house will not be materially detrimental to the public welfare or to the property of other persons located in the Hillside Overlay District in that it will enhance the value of the property. The proposed house will not interfere with the orderly development of the City because all proposed additions will provide the Code required setbacks, and it provides on-site parking required by the Municipal Code. The land use as a single family residence complies with the Zone and General Plan designation.

**PLANNING COMMISSION RECOMMENDATION**

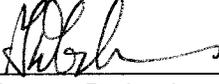
As previously noted, this item was approved by the Planning Commission on November 18, 2009. At this hearing, residents from the City of Palos Verdes Estates expressed their concern that the project would block their views. The Planning Commission and Staff discussed whether or not properties outside the City of Torrance would be subject to the Hillside Overlay. The Assistant City Attorney clarified that the Torrance Municipal Code does not apply to properties outside Torrance's boundaries. Additionally, he explained that even within Torrance's boundaries, the Hillside Ordinance is not applicable to properties outside the Hillside Overlay. It was also noted that some cities have scenic overlays, but they would only apply to their residents, not Torrance residents. Some Commissioners expressed concerns about the Floor Area Ratio of .55 and asked if it could be reduced. The applicants explained that it would be difficult to downsize the project given the needs of the family and the size of the lot. They also noted that the home itself is under 3,000 sf. but the garage was larger than normal as they would like to house their cars in the garage and also be able to store other family items. After a brief discussion, a motion for approval of the project passed by a 5-1 vote with one Commissioner dissenting and one Commissioner absent.

CONCUR:

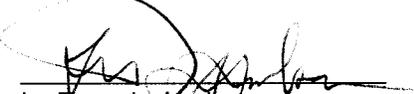
  
 Jeffery W. Gibson  
 Community Development Director

Respectfully submitted,

Jeffery W. Gibson  
 Community Development Director

By   
 Gregg D. Lodan, AICP  
 Planning Manager

NOTED:

  
 LeRoy J. Jackson  
 City Manager

Attachments:

- A. Resolution for approval
- B. Location and Zoning Map
- C. Letter of Appeal
- D. Planning Commission hearing Minutes Excerpts 11/18/09
- E. Previous Planning Commission Staff Report
- F. Proof of Publication and Notification
- G. Plot Plan, Floor Plan and Exterior Elevations (Limited Distribution)
- H. Mayor's Script (Limited Distribution)



**RESOLUTION NO. 2010**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 122 CALLE DE ARBOLES.

**PRE09-00004:  
OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)**

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public hearing on November 18, 2009 to consider an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, the Planning Commission of the City of Torrance approved an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, on December 1, 2009, the case was appealed by the Law Offices of Beck & Browning representing two residents from the City of Palos Verdes Estates citing that the decision of the Planning Commission ignored the Hillside Ordinance by approving an application for a second story addition to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, on February 9, 2010 the City Council of the City of Torrance denied an appeal and approved an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

**WHEREAS**, new construction of one single family residence in a residential zone is Categorically Exempted by the 2009 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301; and

**WHEREAS**, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 122 Calle de Arboles ;
- b) That the property is identified as Lot 26 of Tract 19306, in the City of Torrance, County of Los Angeles, State of California;
- c) That the proposed residence as conditioned will not have an adverse impact upon the view, light, air and privacy of other properties in the Hillside Overlay because the additions are located in areas over which the adjacent properties do not currently have views; and
- d) That the proposed residence has been located planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the Hillside Overlay as the height of the residence is under the maximum allowed in the Zone ; and
- e) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are of a high quality and the architectural style is in keeping with the architecture of the surrounding residences; and
- f) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences; and
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property. The proposed additions will update a residence built in 1954 and it will be in compliance with the R-1 Zone; and
- h) That the proposed residence would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance; and
- i) That it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the building height, as the applicant would not be able to preserve usable yard areas and the existing swimming pool; and
- j) That denial of such an application would result in an unreasonable hardship to the applicant because the proposed residence conforms to all code requirements as the project does not appear to have an adverse impact on the view, light, air and privacy of other properties in the Hillside Overlay; and
- k) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed residence complies with all zoning development standards.
- l) Denial of this request to increase the interior floor area of the building to more than 50% of the area of the lot will constitute an unreasonable hardship because the proposed addition has provided all required setbacks and the residence, as

conditioned, would comply with code required lot coverage and floor area ratio requirements for the R-1 zone.

- m) Granting this request to increase the interior floor area of the building to more than 50% of the area of the lot will not be materially detrimental to the public welfare and to other properties in the vicinity because there does not appear to be adverse impairments to view, light, air or privacy to original views of other properties in the Hillside Overlay.

**NOW, THEREFORE, BE IT RESOLVED** that PRE09-00004, filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence, on property located in the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Precise Plan of Development 09-00004 and any amendments thereto or modifications thereof as February be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;
2. That if this Precise Plan of Development 09-00004 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence at the highest point of the roof shall not exceed a height of 26.64' as represented by the elevation of 132.24' and a lowest adjacent grade of 105.60' based on a bench mark elevation of 100.00' located near the southeasterly corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 26.64' based on the elevation of 132.24' and a lowest adjacent grade of 105.60' as indicated on the certified silhouette based on the benchmark elevation of 100.00' as shown on the survey map on file in the Community Development Department; (Development Review).
5. That an automatic electric roll-up garage door shall be installed for the remodeled garage; (Development Review);
6. That exterior color and material samples shall be submitted to the Community Development Department for approval prior to the issuance of any building permits; (Development Review)

7. That the silhouette shall removed within 30 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
8. That within 30 days of the final public hearing, the applicant shall remove the "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
9. That 4" (minimum) contrasting address numerals are provided (Environmental Division)
10. That the finished garage interior depth shall be a minimum of 20'-0" with no encroachments. The one foot step encroachment into the garage shall be relocated. The door from the laundry to the garage must open into the residence and shall not swing open into the garage space. (Environmental Division)
11. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 9th day of February, 2010.

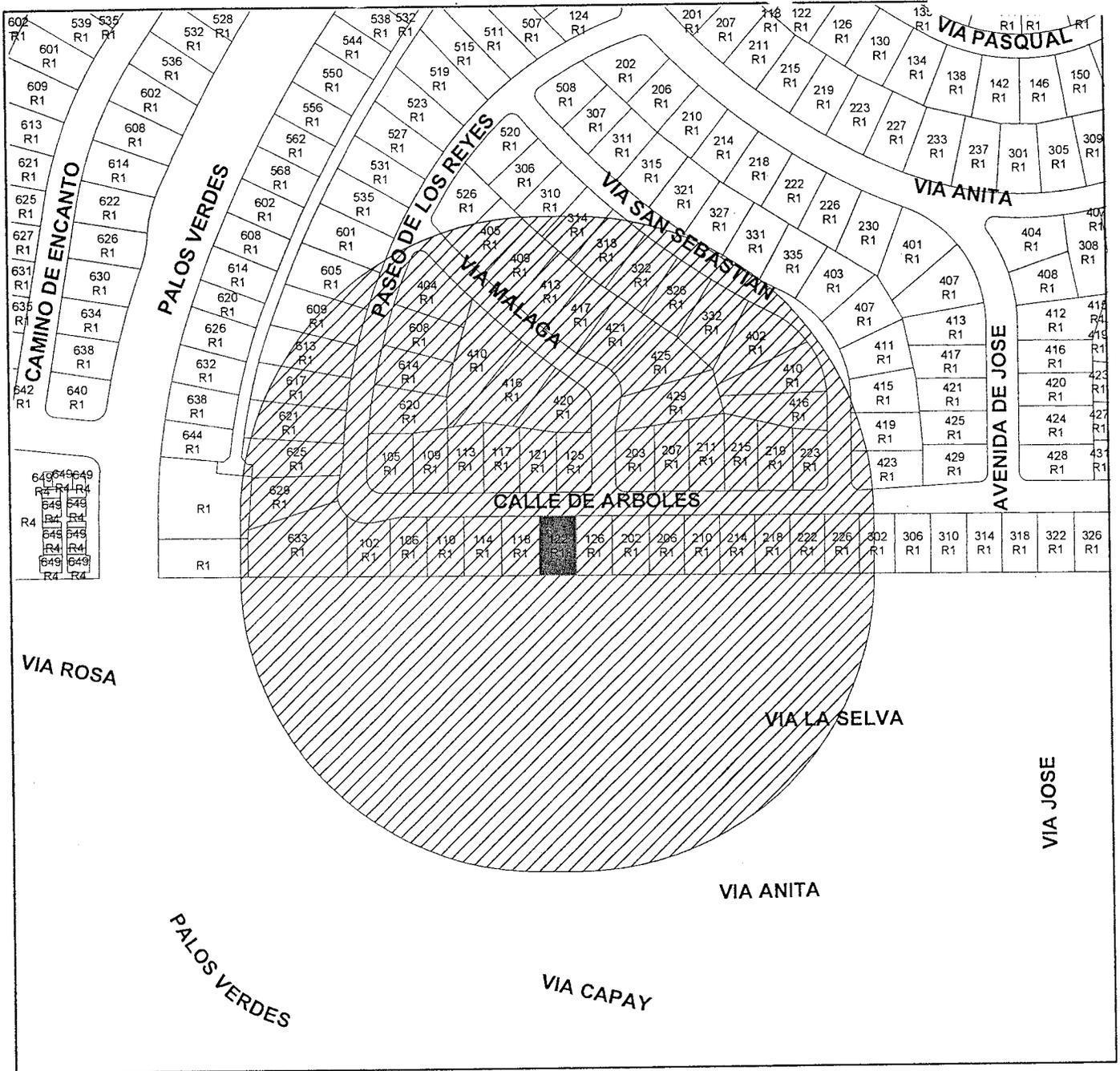
\_\_\_\_\_  
MAYOR, of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

By \_\_\_\_\_



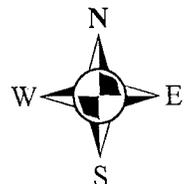
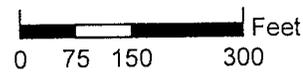
### LOCATION AND ZONING MAP

122 Calle de Arboles  
PRE09-00004

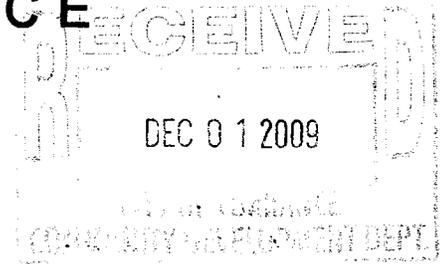


### LEGEND

-  Proposed Site
-  Notification Area





**CITY OF TORRANCE****INTEROFFICE COMMUNICATION****DATE: December 1, 2009**

**TO: Jeffrey Gibson, Community Development**

**FROM: City Clerk's Office**

**SUBJECT: Appeal 2009-11**

Attached is Appeal 2009-11 received in this office on December 1, 2009 from Jack and Marion Bradshaw and Marcia Good, c/o Law Offices of Beck and Browning, 3828 Carson Street #100, Torrance, CA 9503. This appeal is of the Planning Commission's approval on November 18, 2009 regarding PRE09-00004: OBLESKI ARCHITECTS (MR. & MRS. ANDERSON) located at 122 Calle de Arboles, Torrance, CA citing violation of Section 91.41.6. Planning Commission ignored this ordinance by approving application for second story addition. Findings cannot be supported by facts.

The appeal fee of \$250.00, paid by cash, was accepted by the City Clerk.

**SECTION 11.5.3. PROCEDURE AFTER FILING.**

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

Sue Herbers  
City Clerk

cc: City Manager



# CITY OF TORRANCE

## APPEAL FORM

RECEIVED

2009 DEC -1 PM 4:35

CITY OF TORRANCE  
CITY CLERK'S OFFICE

### AN APPEAL TO:

- City Council
- Planning Commission
- \_\_\_\_\_

### RETURN TO:

Office of the City Clerk  
 3031 Torrance Boulevard  
 Torrance CA 90509-2970  
 310/618-2870

RE: PRE09-00004

(Case Number and Name)

Address/Location of Subject Property \_\_\_\_\_  
(If applicable)

### Decision of:

- |                                                                                 |                                                         |
|---------------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Administrative Hearing Board                           | <input type="checkbox"/> License Review Board           |
| <input type="checkbox"/> Airport Commission                                     | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Civil Service Commission                               | <input type="checkbox"/> Community Development Director |
| <input type="checkbox"/> Environmental Quality & Energy Conservation Commission | <input type="checkbox"/> Special Development Permit     |
|                                                                                 | <input type="checkbox"/> Other _____                    |

Date of decision: 11-18-09

Appealing:  APPROVAL  DENIAL

**Reason for Appeal:** *Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.*

Decision by Planning Commission on 11-18-09 for PRE09-00004  
in violation of Section 91.41.6; Planning Commission ignored  
this ordinance by approving application for 2d story addition.  
Findings cannot be supported by facts. (See attached letter).

Name of Appellant Jack & Marion Bradshaw and Marcia Good

Address of Appellant c/o Law Offices of Beck & Browning, 3828 Carson, #100  
Torrance, CA 90503

Telephone Number ( 310 ) 316-4332

Signature *Robert W. Beck*

For office use only	
Appeal Fee paid \$ <u>250.00</u>	Date <u>12/1/09</u> Received by <u>[Signature]</u>
Notice to: <input checked="" type="checkbox"/> Community Development Department	<input checked="" type="checkbox"/> Planning
<input checked="" type="checkbox"/> City Council	<input type="checkbox"/> Building & Safety
<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> City Attorney
<input type="checkbox"/> City Attorney	<input type="checkbox"/> Other Department(s)

LAW OFFICES OF  
**BECK & BROWNING**  
 3828 CARSON STREET, SUITE 100  
 TORRANCE, CALIFORNIA 90503  
 Phone (310) 316-4332  
 Fax (310) 316-0324

ROBERT BECK  
[ROBERT.BECK@BECKANDBROWNING.COM](mailto:ROBERT.BECK@BECKANDBROWNING.COM)

NICHOLAS BROWNING III  
[NICHOLASBROWNING@AOL.COM](mailto:NICHOLASBROWNING@AOL.COM)

TOM HUTCHINSON  
[TOM.HUTCHINSON@BECKANDBROWNING.COM](mailto:TOM.HUTCHINSON@BECKANDBROWNING.COM)

November 17, 2009

Oscar Graham  
 Torrance Planning Assistance Community Development Dept.  
 3031 Torrance Boulevard  
 Torrance, CA 90503

Subject Property	:	<u>122 Calle de Arboles, Torrance, CA</u>
Our clients	:	Jack and Marion Bradshaw 2505 Via La Selva Palos Verdes Estates, CA 90274
		Marcia Good 2501 Via La Selva Palos Verdes Estates, CA 90274
Precise Plan of Development	:	PRE09-00004
Agenda Hearing Date:		November 18, 2009 @ 7:00 p.m.

Dear Mr. Graham:

Please be advised that this office has been retained by Mr. and Mrs. Bradshaw and Ms. Maria Good to assist them in opposing the precise plan of development for the subject property.

The undersigned has read the staff report submitted by Planning Assistant Oscar Graham and submitted by Gregg Lodan, Planning Manager for the City of Torrance.

I have not seen the planning committee resolution or any of the attachments to the staff report at the time of preparation of this letter.

I am informed that Mr. Graham has already received notice of this opposition from Ms. Good and the Bradshaw's in connection with this project.

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Our clients' respectfully request that the Planning Commission deny this request on the basis that the findings cannot be made under the applicable ordinance, to wit Section 91.41.6 entitled Planning and Design.

I assume that the significant view impairment, particularly to the Bradshaw's will be conceded by the Assistant Planner, Mr. Graham, and, as revealed by the photographs attached hereto, there is a significant impairment of the view by the addition of the second story to the applicant's home as proposed by the applicant.

Although the subject property falls within the Hillside and Coastal zone for the City of Torrance, reading Torrance Ordinance Section 91.41.6, it specifically states as follows:

**No construction and no remodeling or enlargement of a building or structure shall be permitted unless** the Planning Commission (or the City Council on appeal) **shall** find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in *such a manner as to comply with the following provisions:*

- a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the *vicinity*;
- b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the *vicinity*;
- c) The design provides an orderly and attractive development in harmony with other properties in the *vicinity*;
- d) The design will not have a harmful impact upon the land values and investment of other properties in the *vicinity*;
- e) Granting such application would not be materially detrimental to the public welfare and to other properties in the *vicinity*;
- f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

This ordinance clearly mandates that no remodeling enlargement or structure shall be permitted unless the Planning Commission or the City Council finds that the structure has been planned and designed in such a manner as to comply with the six provisions.

Under subsection (a) of the ordinance, the second story will have an adverse impact on the view, light, air and privacy of other properties in the *vicinity*. As reflected in review of the

November 17, 2009

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photographs, this second story addition will impact the significant ocean and coastline view enjoyed by Mrs. and Mrs. Bradshaw and Ms. Good as their property is within the vicinity of the applicant's property.

Under subsection (b), the development has not yet been designed so it does in fact cause an intrusion on the views of my client's property and other properties in the "*vicinity*".

Under subsections (d), (e) and (f), it would be detrimental to my clients' property and possibly others in the vicinity and will have a harmful impact on the values of those properties as it will essentially remove ocean and coastline views captured by Ms. Good and the Bradshaws.

The issue here is that Torrance City Code does not define the term *vicinity*. One interpretation would be any property within the 300 foot radius of the exterior boundaries of the land for which the permit is sought. See Torrance Ordinance Section 91.41.4.

The property of Ms. Good and the Bradshaws falls within that 300 foot radius and therefore, under this interpretation, this project would fall within the *vicinity* of their properties. Nowhere in the Torrance ordinance can one find a definition of *vicinity*. It is our understanding based upon a conversation with Mr. Graham, that staff has considered only view impacts for properties within the Hillside and Coastal zones.

Regrettably, the ordinance does not define the term *vicinity* it also does not expressly state that only the views of homes within the Hillside and Coastal zones are protected by this "view" ordinance." The ordinance does not say that a project must impact the views from a home in the Hillside and Coastal zone or even reference language that would permit the interpretation that this view ordinance is only designed to protect views for other homes located within the Hillside and Coastal zone area.

This indeed may be a unique circumstance because the second story addition to the applicant's property is going to impact homes and properties adjoining cities but clearly within a 300 foot radius of the project's exterior boundaries or "within the *vicinity*" of the subject property.

Therefore using the language of Torrance's own ordinance, Ms. Good's and the Bradshaw's property and the ocean and coastal views from their property will be significantly impacted or almost eliminated and the value of their homes will depreciate substantially with the loss of that view. They are within the *vicinity* of the subject property and should be considered in accordance with the applicable ordinance.

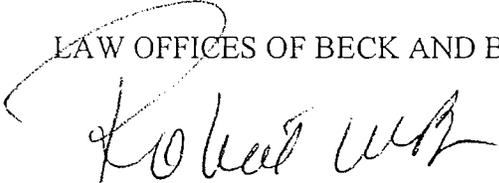
It is our and our client's belief that the findings cannot be made under Section 91.41.6 to allow the construction, remodeling or enlargement of the applicant's home as currently proposed.

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Page four

It is therefore respectfully requested that the Planning Commission deny the application and the applicant's proposed second story addition on the basis that the findings cannot be made under the applicable section of the ordinance as it currently reads.

Respectfully submitted,

LAW OFFICES OF BECK AND BROWNING



ROBERT W. BECK

RWB/mmg  
Enclosures

**EXCERPT OF MINUTES**

√ **Minutes Approved**  
 ~~Minutes Subject to Approval~~

November 18, 2009

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:02 p.m. on Wednesday, November 18, 2009 in the Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Sr. Planning Associate Santana.

**3. ROLL CALL**

Present: Commissioners Browning, Busch, Gibson, Horwich, Skoll, and Chairperson Weideman.

Absent: Commissioner Uchima (excused).

Also Present: Sr. Planning Associate Santana, Planning Assistant Graham, Civil Engineer Symons, Fire Marshal Kazandjian, Plans Examiner Noh and Assistant City Attorney Sullivan.

**9. CONTINUED HEARINGS**

**9A. PRE09-00004: OBELISK ARCHITECTS (MR. & MRS. ANDERSON)**

Planning Commission consideration for approval of a Precise Plan of Development to allow the construction of a new two-story, single-family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles.

**Recommendation**

Approval.

Planning Assistant Graham introduced the request and noted supplemental material available at the meeting consisting of correspondence received after the agenda item was completed.

Chairperson Weideman asked staff to comment on the letter from the law offices of Beck & Browning, dated November 17, 2009 (supplemental material).

Assistant City Attorney Sullivan advised that the law firm represents clients in Palos Verdes Estates and claims that the Hillside Ordinance applies to their properties because the ordinance states that a project shall not have an adverse impact on the views, light, air and privacy of other properties in the "vicinity," however, the Torrance Municipal Code does not apply to any property outside Torrance's boundaries. Additionally, he explained that even within Torrance's boundaries, the Hillside Ordinance is not applicable to properties outside the Hillside Overlay because it has always been

the City's position that those who are not subject to the overlay's burdens are not subject to its benefits.

Commissioner Busch questioned whether neighboring cities have similar ordinances. Assistant City Attorney Sullivan stated that some cities do have scenic overlays, but they would only apply to their residents, not Torrance residents.

Commissioner Browning noted that he is not familiar with the law firm Beck & Browning and is not related to anyone involved. He indicated that he favored a good neighbor policy whereby views are protected as much as possible regardless of whether or not the properties are within the Hillside Overlay.

Nagy Bakhoun, Obelisk Architects, project architect, voiced his agreement with the recommended conditions of approval. He briefly described the proposed project, noting that the design was constrained by the small and severely sloping lot and the existing swimming pool, which the owners would like to retain. He stated that the project will take care of an existing mold problem and "green" building materials will be incorporated into the new home. He reported that Palos Verdes Estates' building regulations provide for a compatibility review, but there are no provisions for view protection and suggested that the views in question would be termed "acquired views" according to Torrance guidelines because they are from second floors.

Commissioner Busch noted that the project's FAR is 0.55 and in order to exceed 0.50, an applicant must demonstrate that being confined to this limit would constitute an unreasonable hardship.

Mr. Bakhoun stated that the home itself is under 3,000 square feet, which is a modest-sized home for the Riviera; that much of the excess square footage is in the garage, which is 10% larger than a typical two-car garage; and that there are larger homes than the one proposed on this block.

Commissioner Busch asked about the feasibility of reducing the FAR to 0.50. Mr. Bakhoun stated that it would be very difficult given the needs of the family and the size of the lot.

Commissioner Skoll noted that the FAR could be reduced by downsizing the garage. Mr. Bakhoun explained that he made the garage larger to allow for storage because people rarely park two cars in garages that are minimum sized and he felt it would be counterproductive to eliminate the extra storage space.

Commissioner Browning pointed out that even discounting the extra square footage in the garage and the stairway, which is double counted, the project's FAR would still be over 0.50.

John Bauer, 202 Calle de Arboles, reported that he will lose a view from an area in his attic if this project is approved, however, he was not objecting because he knows the Anderson family and did not want to stand in the way of their remodel. He expressed concerns that his privacy would be impacted in the future if property owners on either side of him are allowed to add a second story.

Commissioner Browning questioned whether the proposed project would impact Mr. Bauer's privacy and Mr. Bauer stated that it would not.

Commissioner Skoll asked if Mr. Bauer had read the staff report, which mentions that the attic area was not approved as living space, and Mr. Bauer responded that he had not had an opportunity to read the staff report.

Kathy Mallon, 2517 Via La Selva, Palos Verdes Estates, conceded that she had no legal standing with regard to the City's view ordinance, but requested that the Commission consider the project's impact on her view because it is her only view of the ocean and its loss would mean a \$150,000 reduction in her property value.

Responding to Commissioner Browning's inquiry, Ms. Mallon confirmed that she has a two-story home.

In response to Commissioner Busch's inquiry, Sr. Planning Associate Santana reported that staff has never received any communication from a Planning Department in Palos Verdes concerning this type of situation and to his knowledge, there has never been a case where the situation was reversed with a Torrance homeowner protesting a project in Palos Verdes due to view blockage.

Jack Bradshaw, 2505 Via La Selva, Palos Verdes Estates, expressed concerns that the project would block his view and reduce the value of his home.

Marion Bradshaw, 2505 Via La Selva, reported that the proposed project would cause her to lose 50% of the view from her second story.

Commissioner Busch asked about the definition of the word "hardship" as pertains to the Hillside Ordinance.

Assistant City Attorney Sullivan advised that hardship is not defined in the Hillside Ordinance therefore its meaning is subjective and there are a wide variety of things that may be considered in making a determination, including the nature of the lot, topography, and family size.

Marcia Good, 2501 Via La Selva, stated that the proposed second story will completely obliterate her view of the coastline and decrease the value of her property. She noted that she previously submitted a letter detailing her concerns and her attorney Robert Beck submitted photographs showing the view loss.

In response to Commissioner Browning's inquiry, Ms. Good confirmed that she added on to her home to obtain an ocean view.

John Anderson, 122 Calle de Arboles, owner of the subject property, reported that he explored the possibility of a single-story addition, but it was not feasible due to the size and nature of the lot and the existing pool, and building a second story is the only way to add any meaningful space. He explained that the project was carefully designed to protect the views and privacy of immediate neighbors and the entire second story was set back to minimize the impact. He conceded that neighbors behind in Palos Verdes Estates would be impacted by the project, but doubted that paring off square footage to reach an FAR of 0.50 would result in significant improvement. He stated that he would like to be able to house both of his cars in the garage and stressed the need for additional space to store bikes, surfboards and other equipment.

Commissioner Skoll asked if it would be possible to downsize the project in order to bring the FAR down to 0.50.

Mr. Anderson stated that he would have to defer to his architect, however, he would prefer to eliminate storage space from the garage as opposed to living space.

Commissioner Busch indicated that he was not convinced that being confined to an FAR of 0.50 would be an unreasonable hardship therefore he could not support the project as proposed.

Mr. Anderson explained that he has three children and the house was designed to be able to grow with them and he believed every square foot was important. He stated that the size of the project was consistent with other homes in the area and he felt that 2900 square feet of living space for a family of five was about right.

Chairperson Weideman related his belief that Mr. Anderson had done a very good job of working with his neighbors to the east and also with the Bauers, who live two doors away. He questioned whether he had spoken with neighbors to the south in Palos Verdes Estates and Mr. Anderson indicated that he had not.

Commissioner Browning indicated that while he was concerned about the square footage, he liked the fact that the second story was set back to make it appear less massive, which has been a common complaint in the Riviera, and he was inclined to support the project.

**MOTION:** Commissioner Browning moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote.

Commissioner Skoll clarified that he only mentioned the information in the staff report about Mr. Bauer's property because he wanted to make him aware of it.

Commissioner Skoll, referring to letter from Robert Beck, asked about the attorney's interpretation that the word "vicinity" as used in the Hillside Ordinance includes properties in Palos Verdes Estates.

Assistant City Attorney Sullivan advised that the City Attorney's interpretation is that the Torrance Municipal Code does not expand beyond the City of Torrance's boundaries.

Commissioner Gibson stated that based on the testimony and the information provided by staff, she would support the project as proposed.

**MOTION:** Commissioner Gibson moved for the approval of PRE09-00004, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Skoll and passed by a 5-1 roll call vote, with Commissioner Busch dissenting (absent Commissioner Uchima).

Planning Assistant Graham read aloud the number and title of Planning Commission Resolution No. 09-050.

**MOTION:** Chairperson Weideman moved for the adoption of Planning Commission Resolution No. 09-050. The motion was seconded by Commissioner Browning and passed by unanimous roll call vote (absent Commissioner Uchima).

###

**SUPPLEMENTAL #1 TO AGENDA ITEM 9A****TO:** Members of the Planning Commission**FROM:** Development Review Division**SUBJECT(S):** Precise Plan of Development – PRE09-00004;**LOCATION:** 122 Calle de Arboles

The attached correspondence was received subsequent to the preparation of the agenda item. Staff continues to recommend approval of the project as conditioned.

Prepared by,



Oscar Graham  
Planning Assistant

Respectfully submitted,



Gregg D. Lodan, AICP  
Planning Manager

Attachments:

- 1) Correspondence from neighbors

To: Oscar Graham, Planning Assistant

Re: PRE09-00004: Petition of Obelisk Architects (Mr. & Mrs. Anderson).

We reside at 202 Calle de Arboles, a single story home, which was remodeled in 2000. The roofline remained the same as the original home. Even though there are a few two-story houses in the area, we feel very strongly against continued development of ~~two~~ more two-story houses.

The reasons for our concerns are as follows:

- 1) The loss of privacy in our back yard;
- 2) Our loss of a partial view of the ocean; and
- 3) The changing aesthetics and charm of the neighborhood.

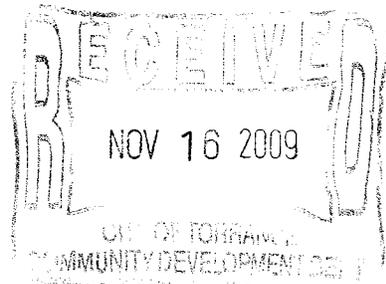
In the planning of the remodel at 122 Calle de Arboles, had it ever been considered to remodel as a single story configuration?

Respectfully,

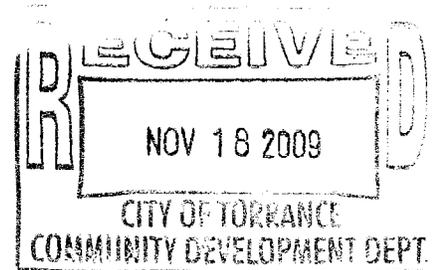
John Bauer and Marion Henderson

John Bauer    Marion Henderson

11/16/09



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TOM HUTCHINSON  
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November 17, 2009

Oscar Graham  
 Torrance Planning Assistance Community Development Dept.  
 3031 Torrance Boulevard  
 Torrance, CA 90503

Subject Property : 122 Calle de Arboles, Torrance, CA  
 Our clients : Jack and Marion Bradshaw  
 2505 Via La Selva  
 Palos Verdes Estates, CA 90274

Marcia Good  
 2501 Via La Selva  
 Palos Verdes Estates, CA 90274

Precise Plan of Development : PRE09-00004  
 Agenda Hearing Date: November 18, 2009 @ 7:00 p.m.

Dear Mr. Graham:

Please be advised that this office has been retained by Mr. and Mrs. Bradshaw and Ms. Maria Good to assist them in opposing the precise plan of development for the subject property.

The undersigned has read the staff report submitted by Planning Assistant Oscar Graham and submitted by Gregg Lodan, Planning Manager for the City of Torrance.

I have not seen the planning committee resolution or any of the attachments to the staff report at the time of preparation of this letter.

I am informed that Mr. Graham has already received notice of this opposition from Ms. Good and the Bradshaw's in connection with this project.

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Page two

Our clients' respectfully request that the Planning Commission deny this request on the basis that the findings cannot be made under the applicable ordinance, to wit Section 91.41.6 entitled Planning and Design.

I assume that the significant view impairment, particularly to the Bradshaw's will be conceded by the Assistant Planner, Mr. Graham, and, as revealed by the photographs attached hereto, there is a significant impairment of the view by the addition of the second story to the applicant's home as proposed by the applicant.

Although the subject property falls within the Hillside and Coastal zone for the City of Torrance, reading Torrance Ordinance Section 91.41.6, it specifically states as follows:

**No construction and no remodeling or enlargement of a building or structure shall be permitted unless** the Planning Commission (or the City Council on appeal) **shall** find that the location and size of the building or structure, or the location and size of the remodeled or enlarged portions of the building or structure, have been planned and designed in such a manner as to comply with the following provisions:

- a) The proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the *vicinity*;
- b) The development has been located, planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the *vicinity*;
- c) The design provides an orderly and attractive development in harmony with other properties in the *vicinity*;
- d) The design will not have a harmful impact upon the land values and investment of other properties in the *vicinity*;
- e) Granting such application would not be materially detrimental to the public welfare and to other properties in the *vicinity*;
- f) The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity.

This ordinance clearly mandates that no remodeling enlargement or structure shall be permitted unless the Planning Commission or the City Council finds that the structure has been planned and designed in such a manner as to comply with the six provisions.

Under subsection (a) of the ordinance, the second story will have an adverse impact on the view, light, air and privacy of other properties in the *vicinity*. As reflected in review of the

photographs, this second story addition will impact the significant ocean and coastline view enjoyed by Mrs. and Mrs. Bradshaw and Ms. Good as their property is within the vicinity of the applicant's property.

Under subsection (b), the development has not yet been designed so it does in fact cause an intrusion on the views of my client's property and other properties in the "*vicinity*".

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Under subsections (d), (e) and (f), it would be detrimental to my clients' property and possibly others in the vicinity and will have a harmful impact on the values of those properties as it will essentially remove ocean and coastline views captured by Ms. Good and the Bradshaw's.

The issue here is that Torrance City Code does not define the term *vicinity*. One interpretation would be any property within the 300 foot radius of the exterior boundaries of the land for which the permit is sought. See Torrance Ordinance Section 91.41.4.

The property of Ms. Good and the Bradshaw's falls within that 300 foot radius and therefore, under this interpretation, this project would fall within the *vicinity* of their properties. Nowhere in the Torrance ordinance can one find a definition of *vicinity*. It is our understanding based upon a conversation with Mr. Graham, that staff has considered only view impacts for properties within the Hillside and Coastal zones.

Regrettably, the ordinance does not define the term *vicinity* it also does not expressly state that only the views of homes within the Hillside and Coastal zones are protected by this "view" ordinance." The ordinance does not say that a project must impact the views from a home in the Hillside and Coastal zone or even reference language that would permit the interpretation that this view ordinance is only designed to protect views for other homes located within the Hillside and Coastal zone area.

This indeed may be a unique circumstance because the second story addition to the applicant's property is going to impact homes and properties adjoining cities but clearly within a 300 foot radius of the project's exterior boundaries or "within the vicinity" of the subject property.

Therefore using the language of Torrance's own ordinance, Ms. Good's and the Bradshaw's property and the ocean and coastal views from their property will be significantly impacted or almost eliminated and the value of their homes will depreciate substantially with the loss of that view. They are within the *vicinity* of the subject property and should be considered in accordance with the applicable ordinance.

It is our and our client's belief that the findings cannot be made under Section 91.41.6 to allow the construction, remodeling or enlargement of the applicant's home as currently proposed.

It is therefore respectfully requested that the Planning Commission deny the application and the applicant's proposed second story addition on the basis that the findings cannot be made

under the applicable section of the ordinance as it currently reads.

Respectfully submitted,

LAW OFFICES OF BECK AND BROWNING

  
ROBERT W. BECK

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[TOM.HUTCHINSON@BECKANDBROWNING.COM](mailto:TOM.HUTCHINSON@BECKANDBROWNING.COM)

November 17, 2009

Oscar Graham  
 Torrance Planning Assistance Community Development Dept.  
 3031 Torrance Boulevard  
 Torrance, CA 90503

Subject Property	:	<u>122 Calle de Arboles, Torrance, CA</u>
Our clients	:	Jack and Marion Bradshaw 2505 Via La Selva Palos Verdes Estates, CA 90274
		Marcia Good 2501 Via La Selva Palos Verdes Estates, CA 90274
Precise Plan of Development	:	PRE09-00004
Agenda Hearing Date:		November 18, 2009 @ 7:00 p.m.

Dear Mr. Graham:

Enclosed please find ten (10) sets of photographs along with a CD of photos taken from the above-referenced property.

The Good photos:

The photos marked as Good's photos were taken from her primary viewing corridor, the master bedroom, and from her rear yard patio area.

The Bradshaw photos:

Photo 197 depicts the impaired ocean view from the kitchen. Because the photo was taken on a day with some haze, it does not capture the flags on top of the applicant's house,

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which can be seen in the photo.

Photo 198 is another photo from the kitchen window shows reveals the flagging on the applicant's house for the 2nd story addition and the view impairment.

Photo 199 depicts the ocean view from their dining room window. The 2nd story addition will eliminate most of the ocean view they have from that vantage point.

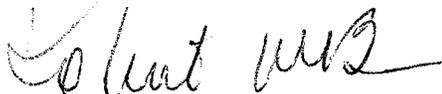
Photos 200 and 201 are other photos from the dining room window.

Photos 202 and 203 show the most significant view impairment from the living room, which the 2nd story addition will completely eliminate-there will be no ocean or coastline view from the main view corridor of the Bradshaw house. at night they will also lose the coastline view where they have been able to see city and coastal lights from their living room.

If the 2nd story is approved it will permanently deprive the Bradshaw's of a substantial right they presently enjoy and a significant reason for the purchase of their home. It would also substantially reduce the value of their home if the City grants the application and allows the applicant to construct a second story on their home from which they will capture the view that would be taken away from the Bradshaw home.

Respectfully submitted,

LAW OFFICES OF BECK AND BROWNING

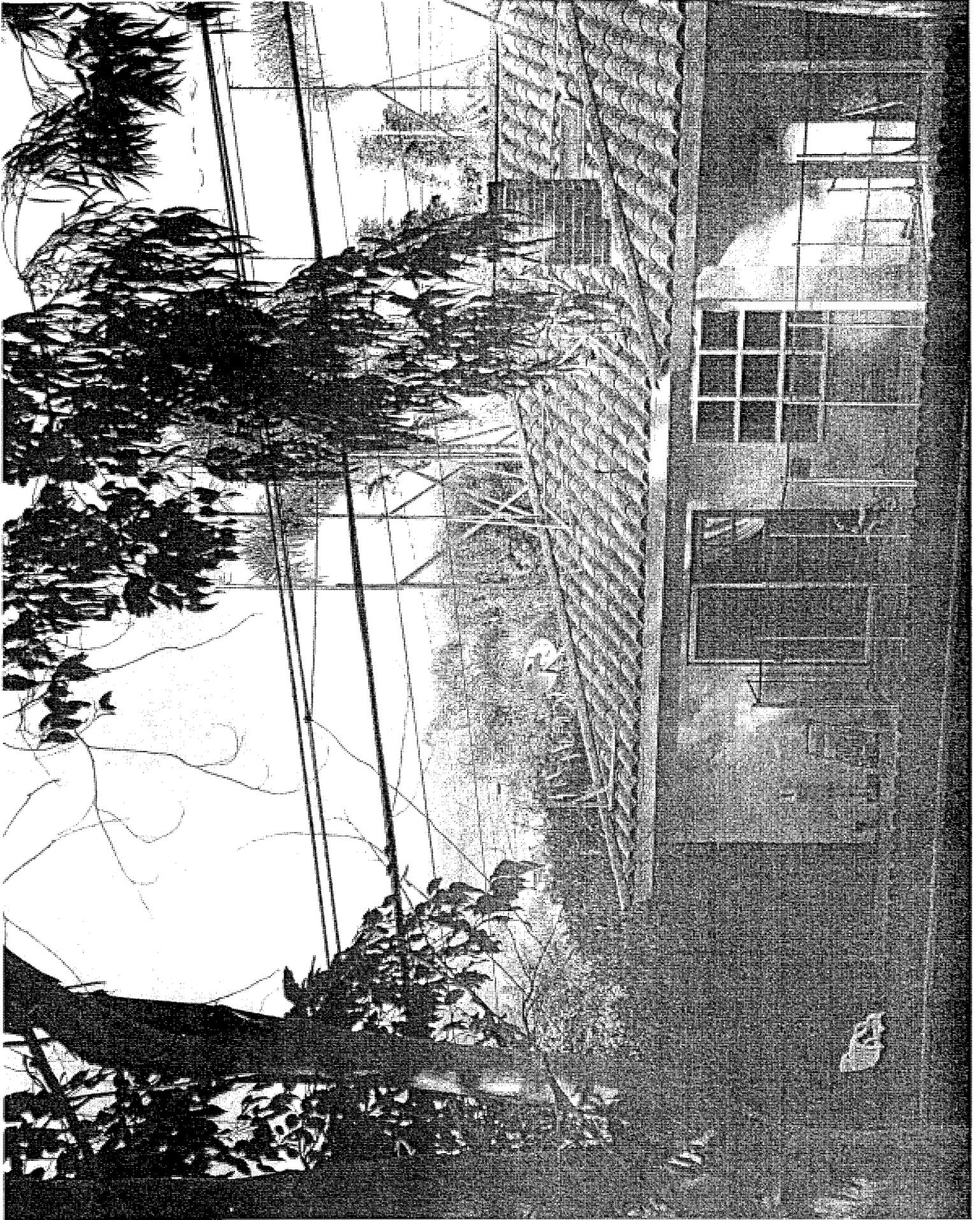


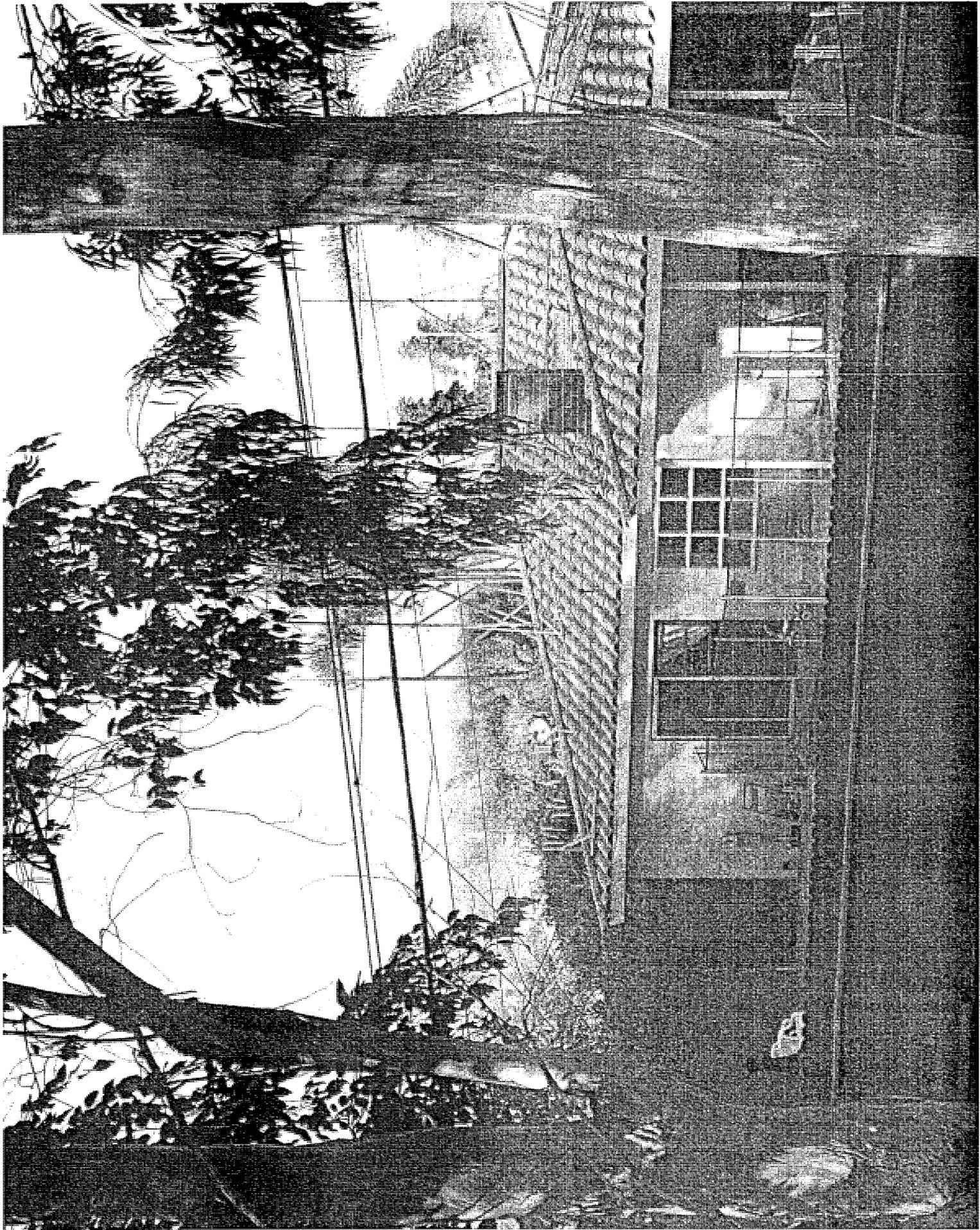
ROBERT W. BECK

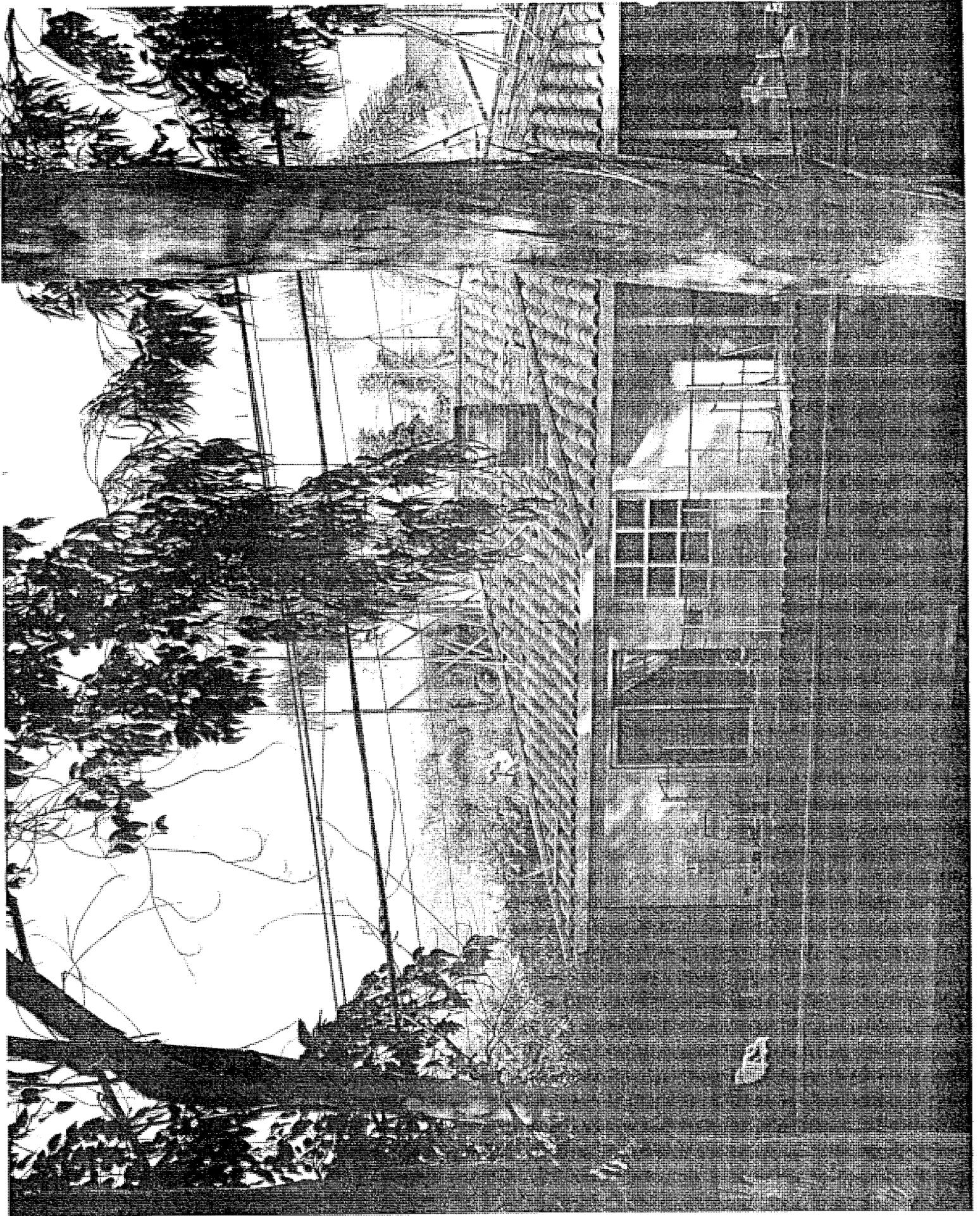
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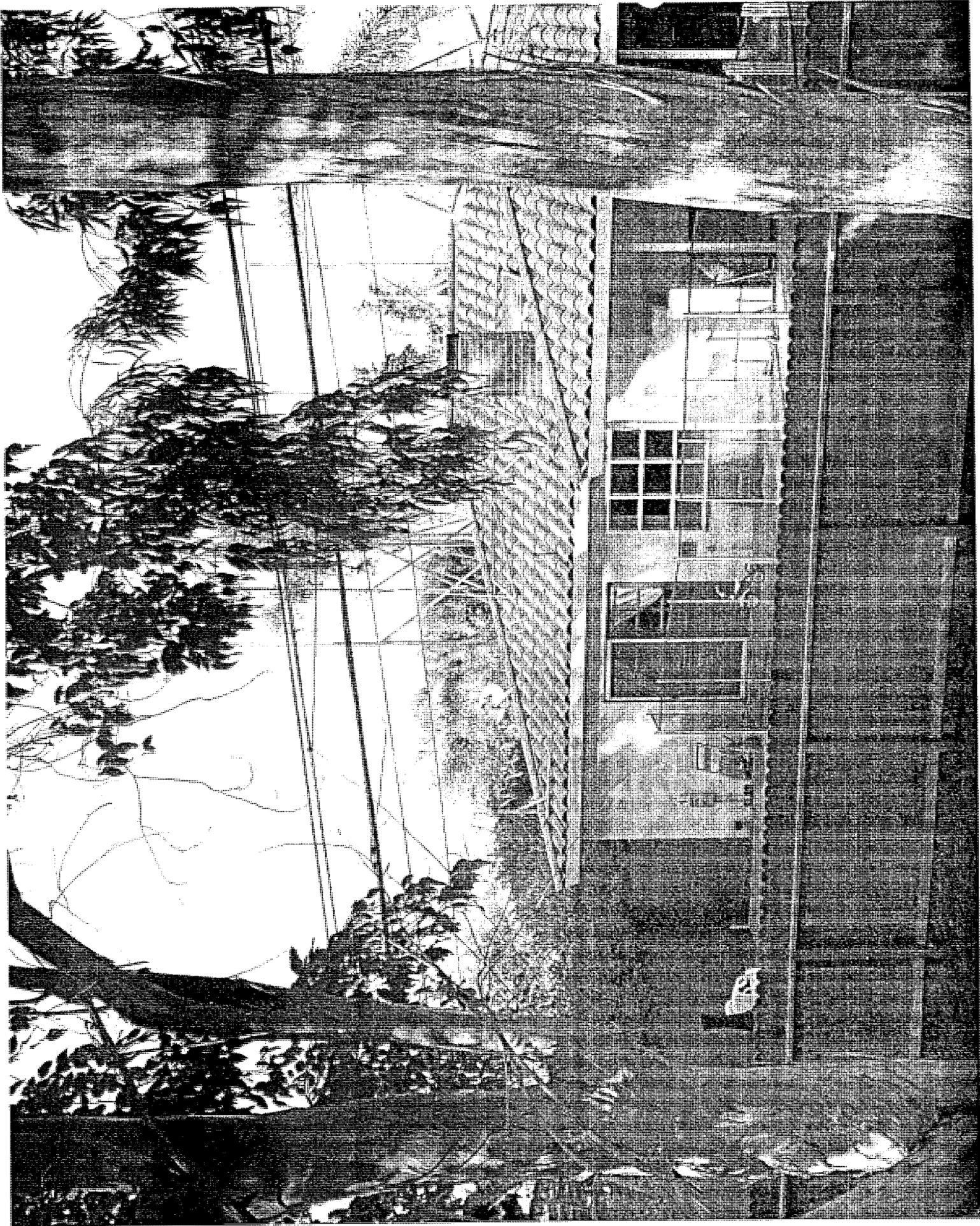
Enclosures

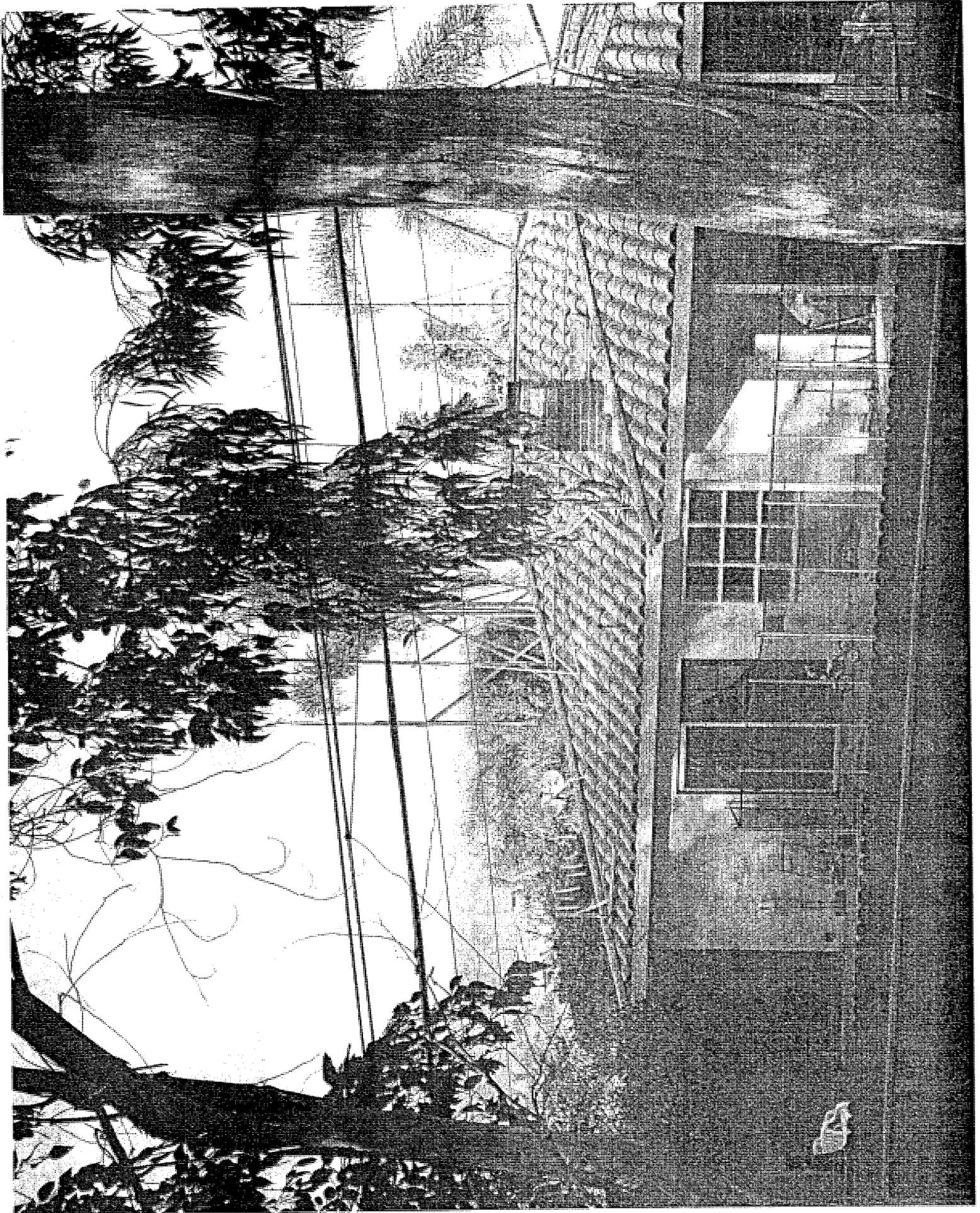


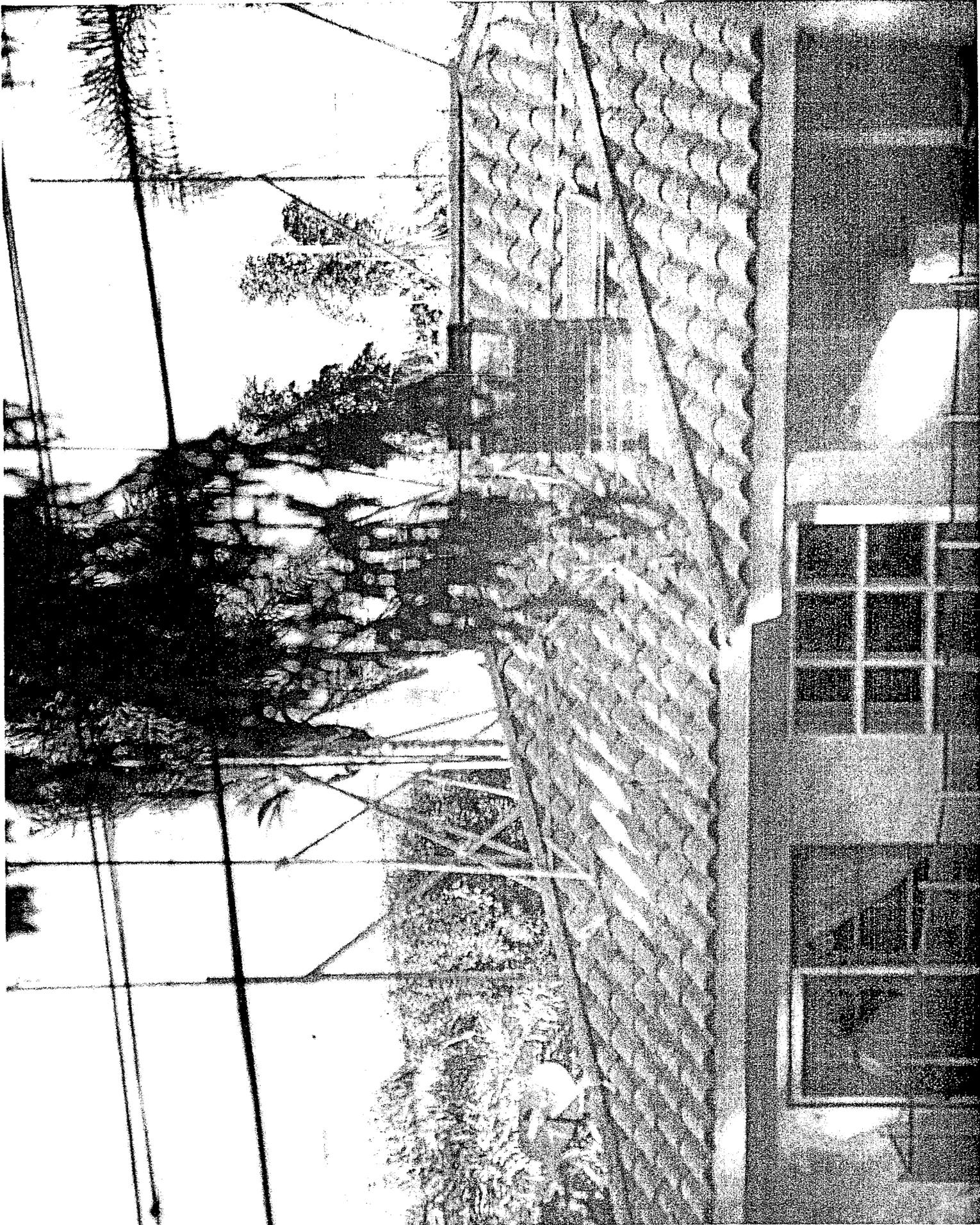


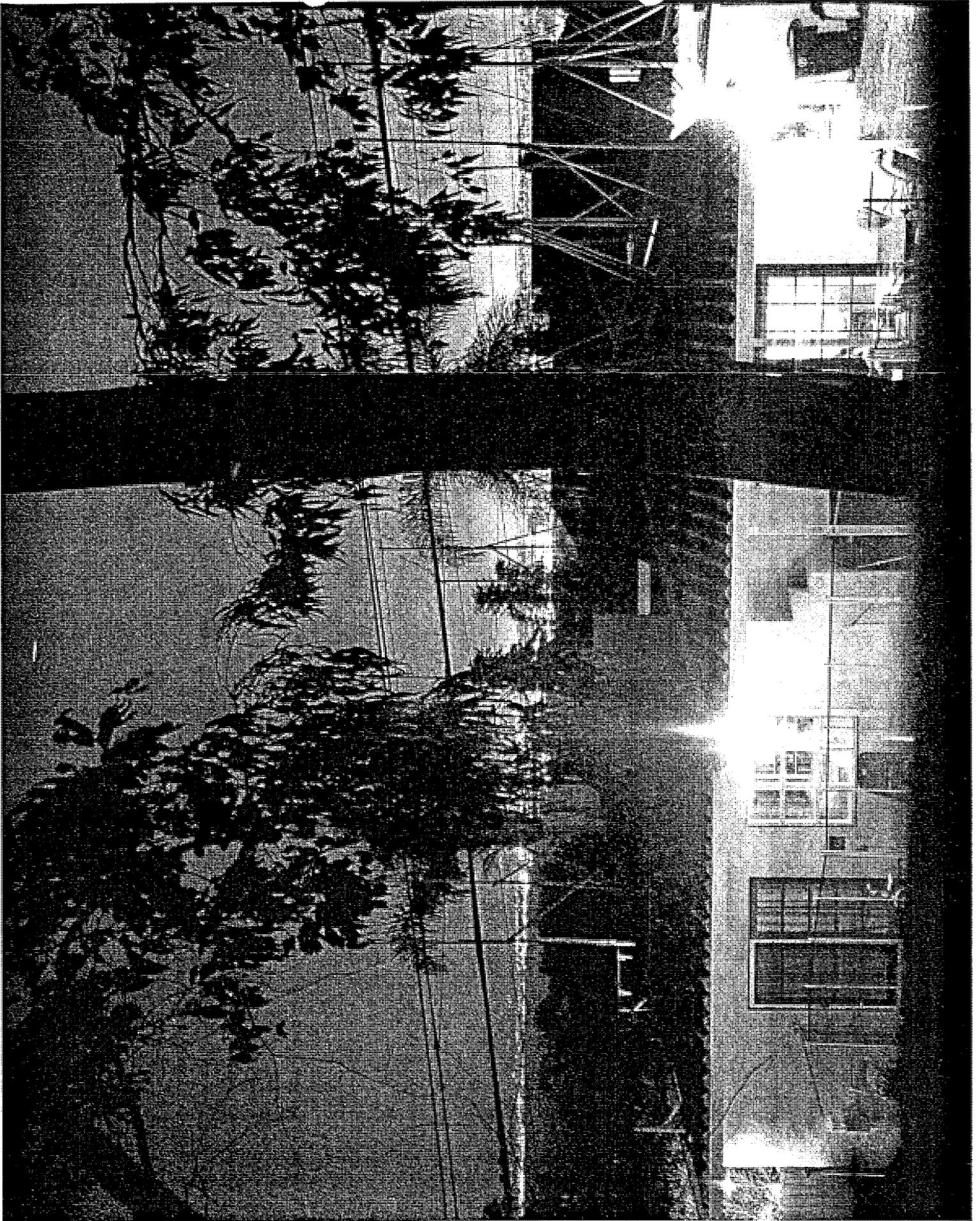


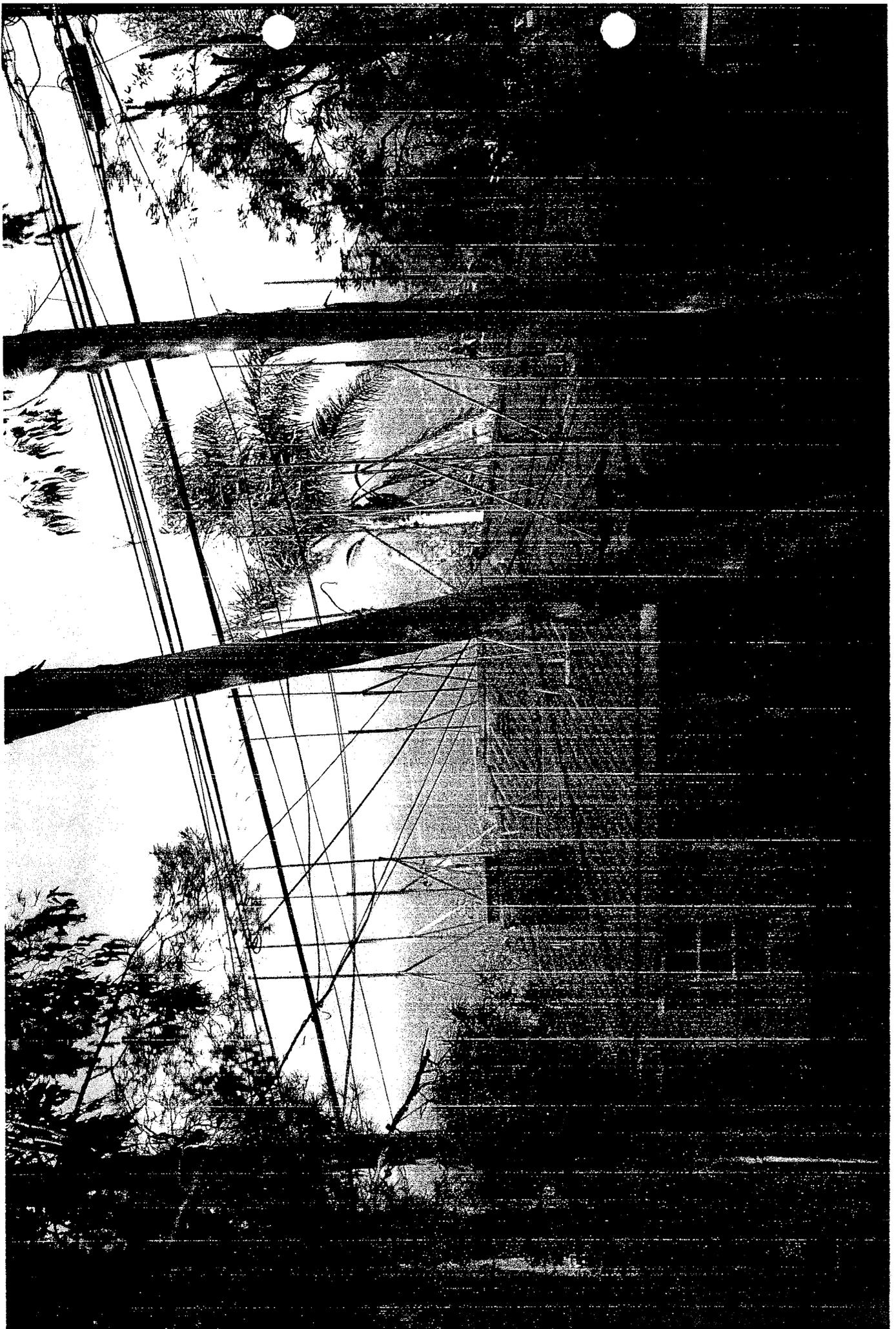


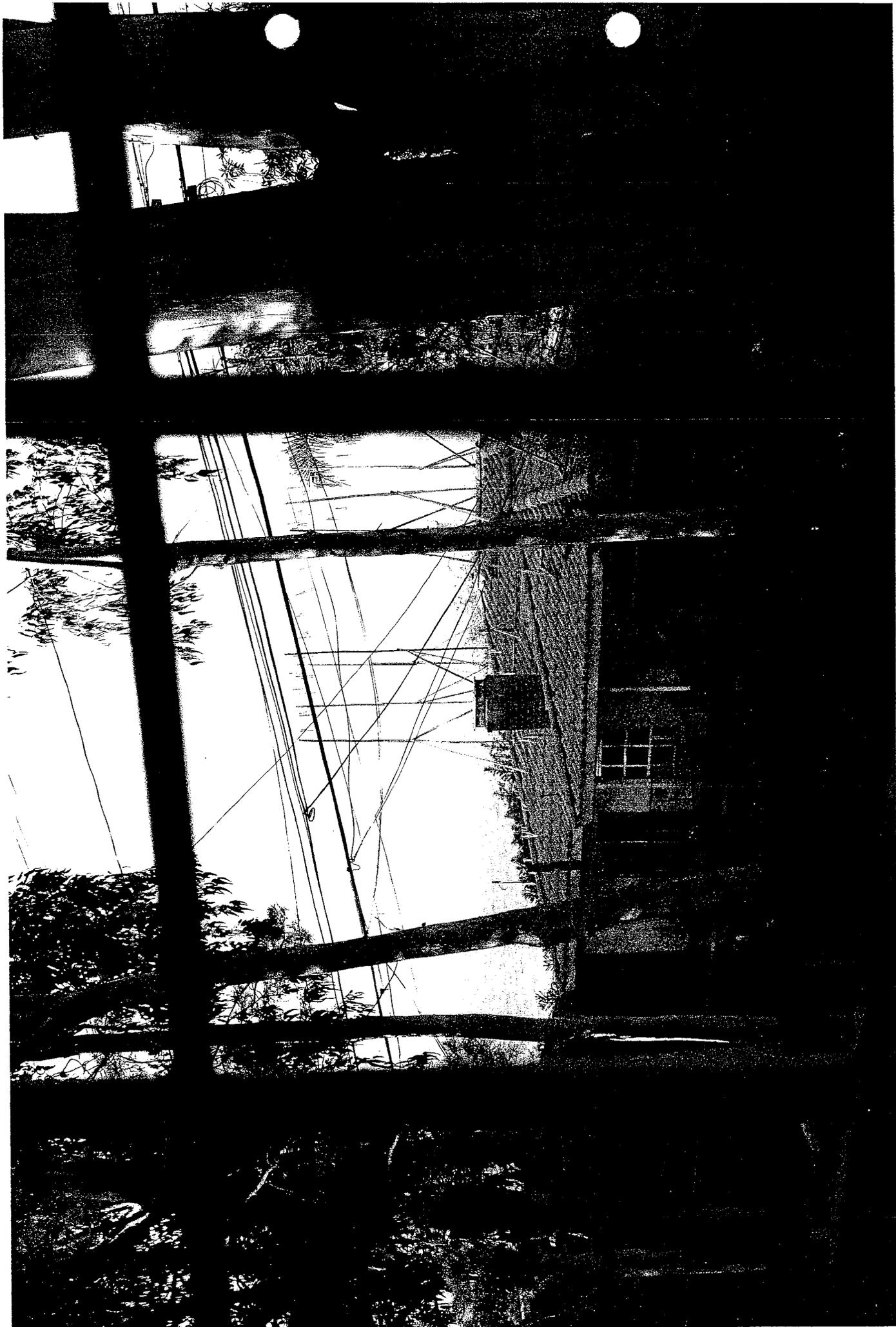


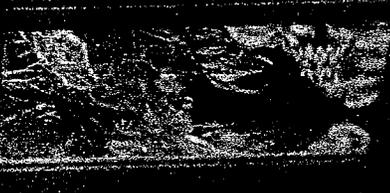
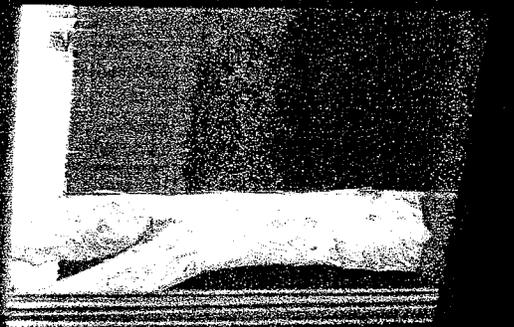
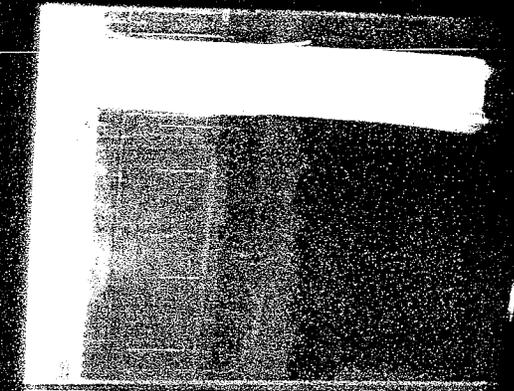
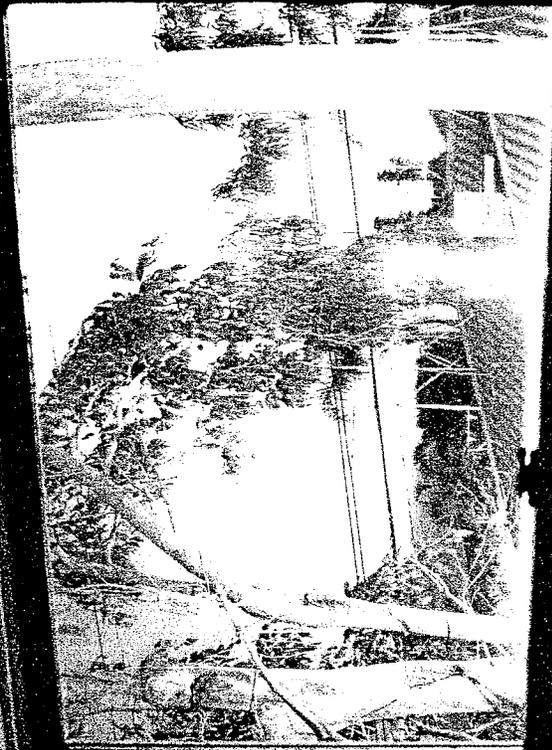


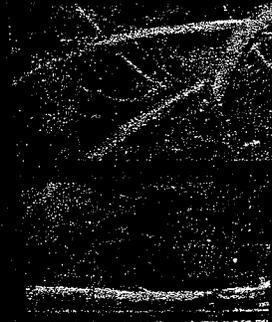
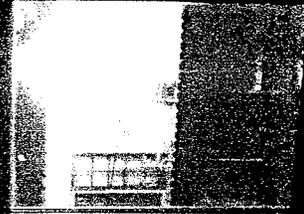


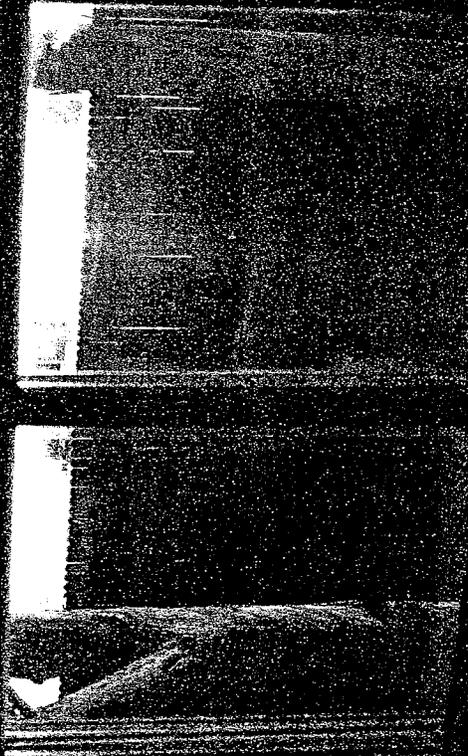
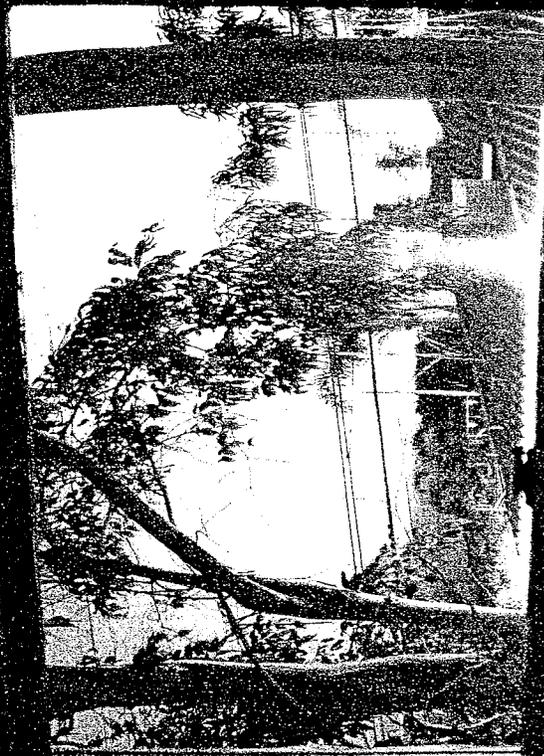
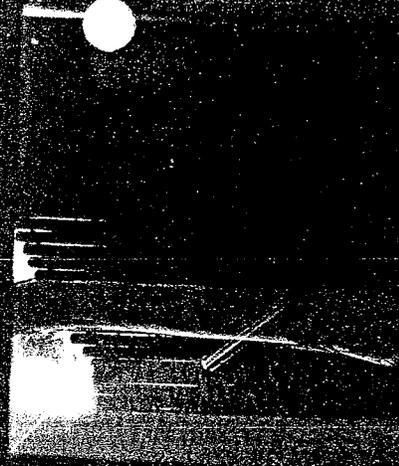
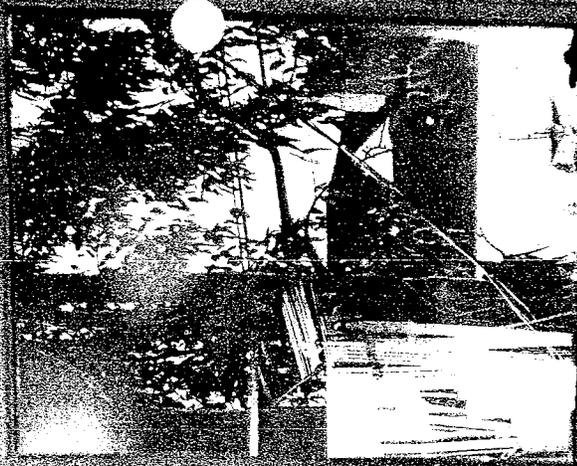


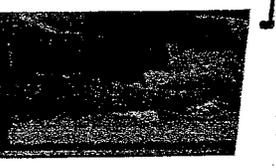
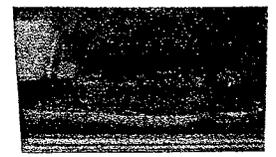
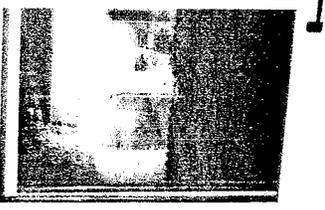


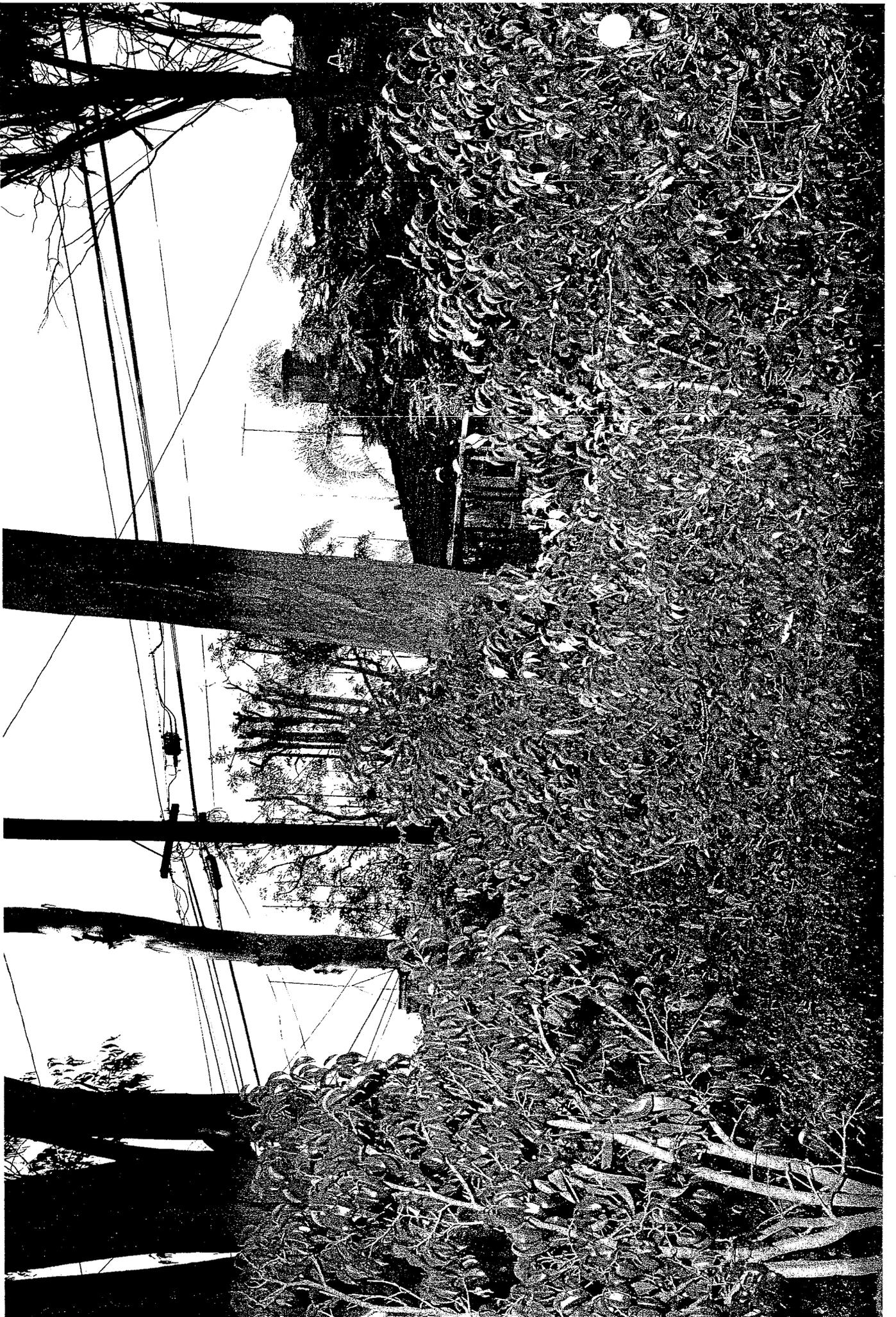


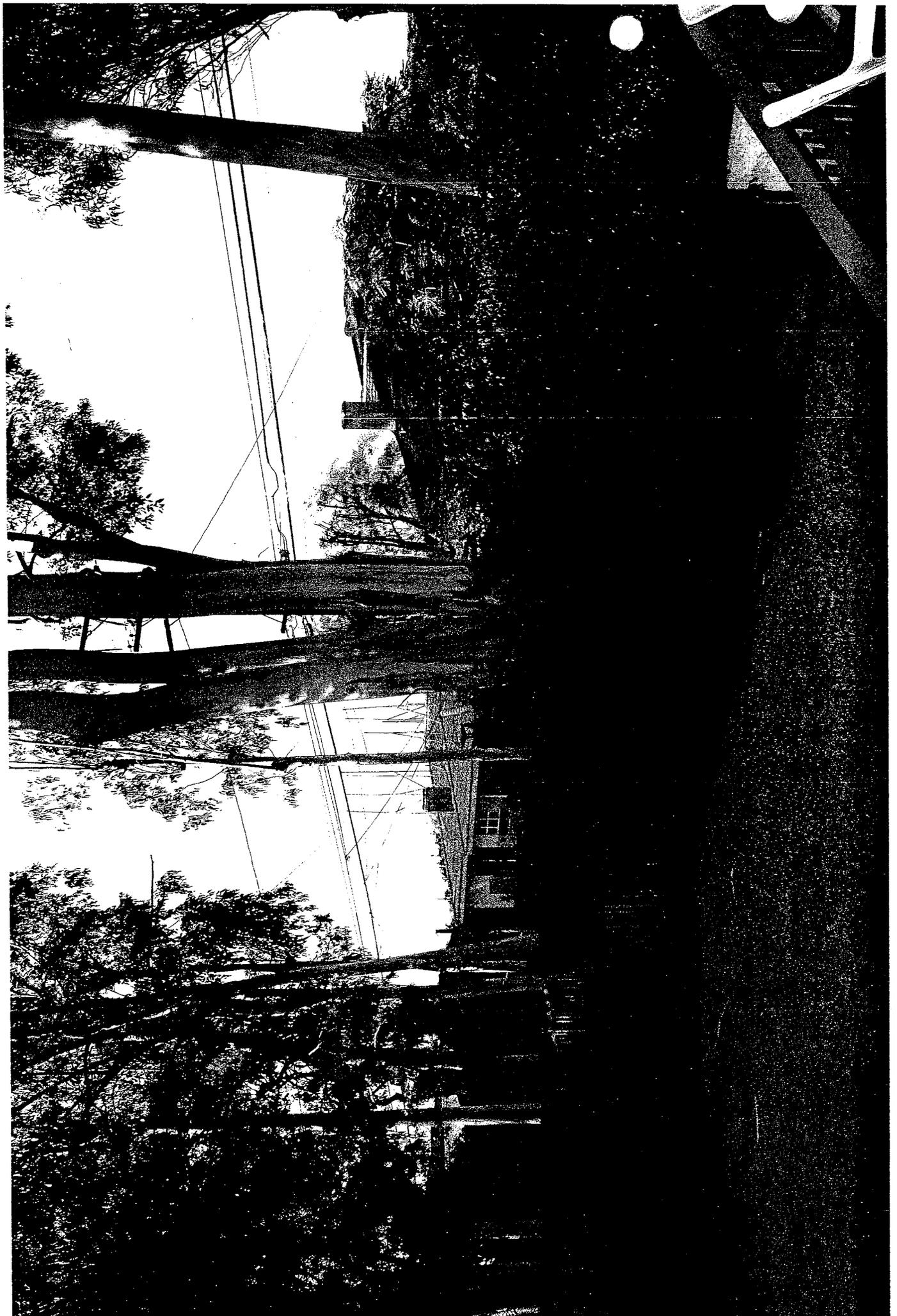




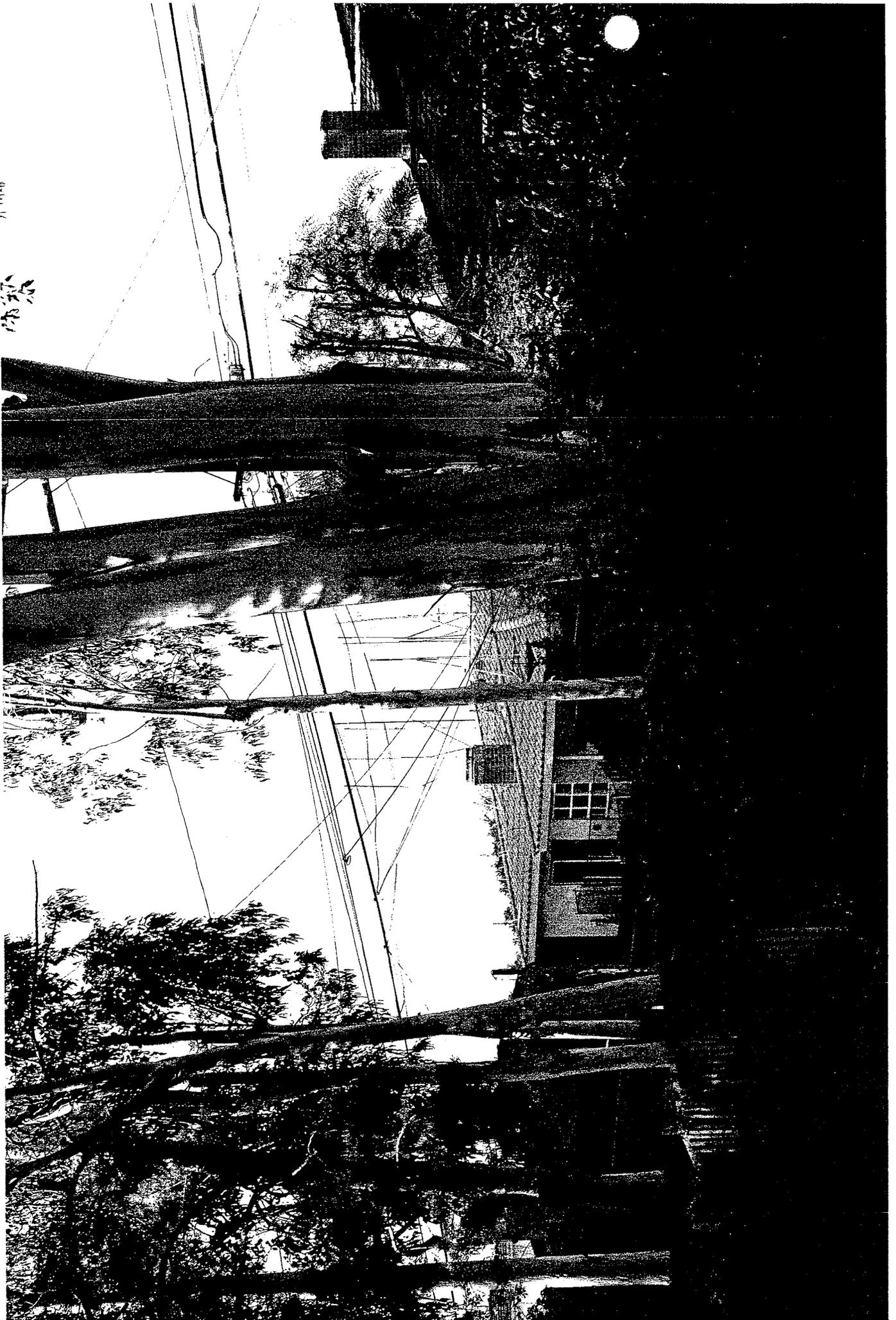


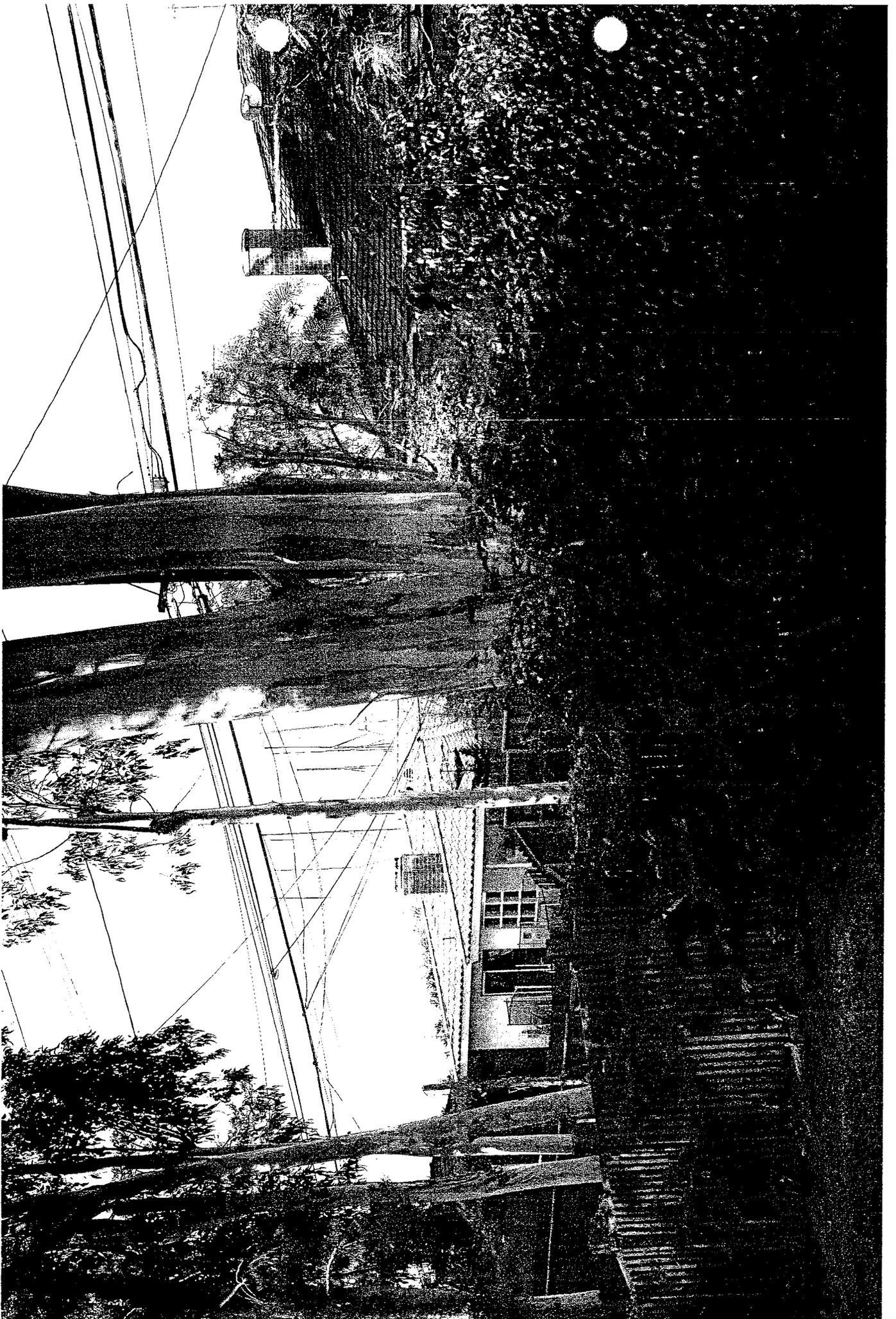


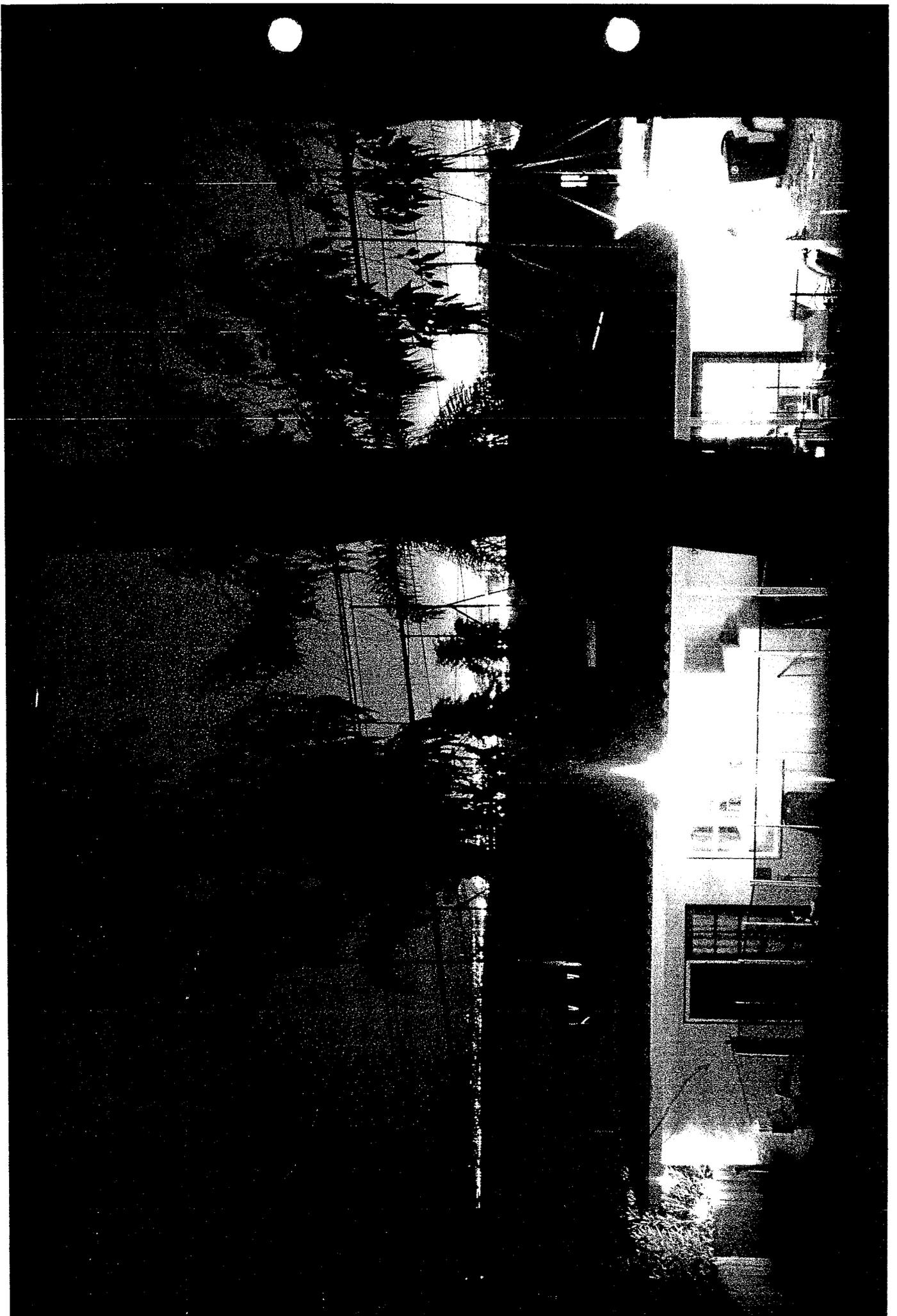




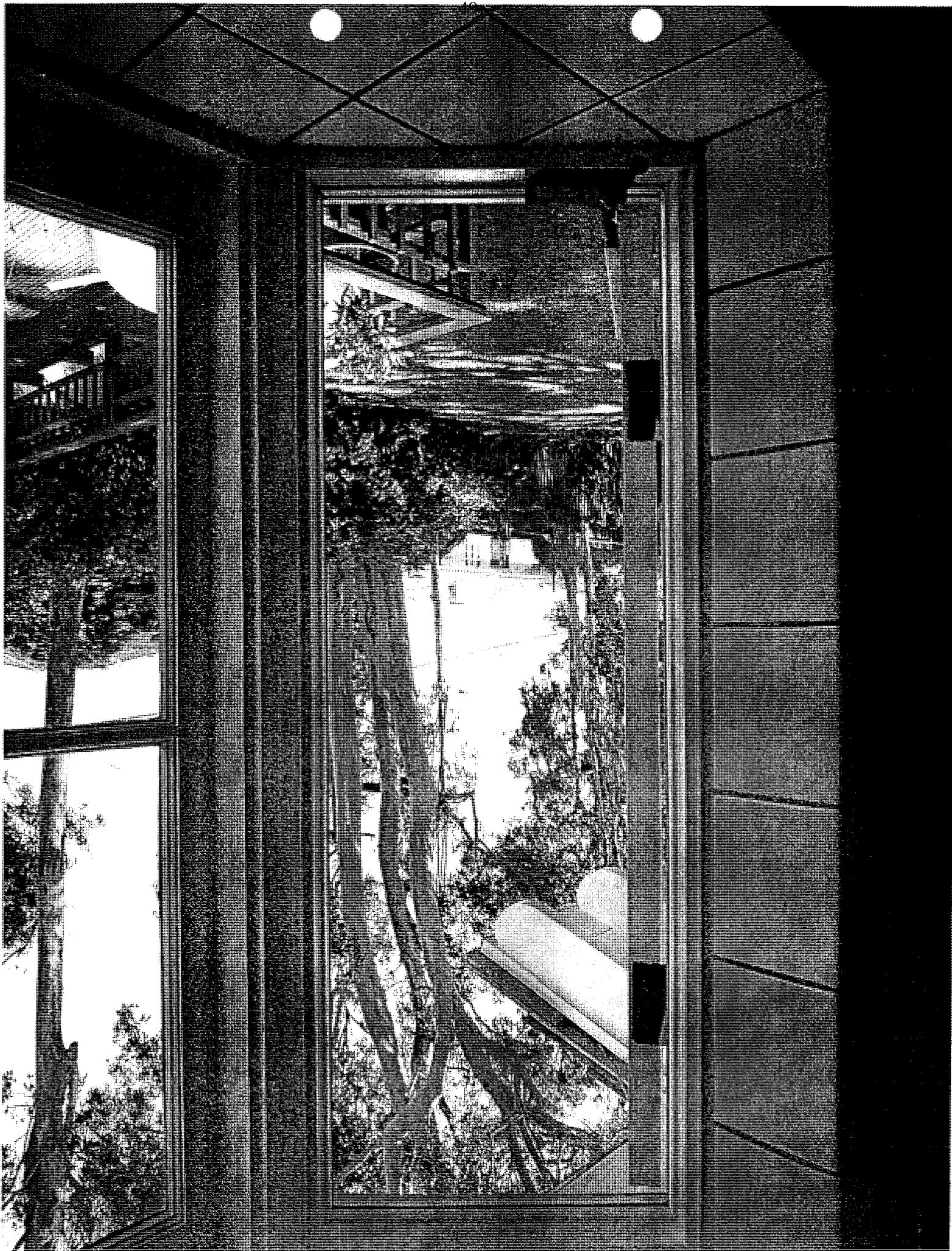
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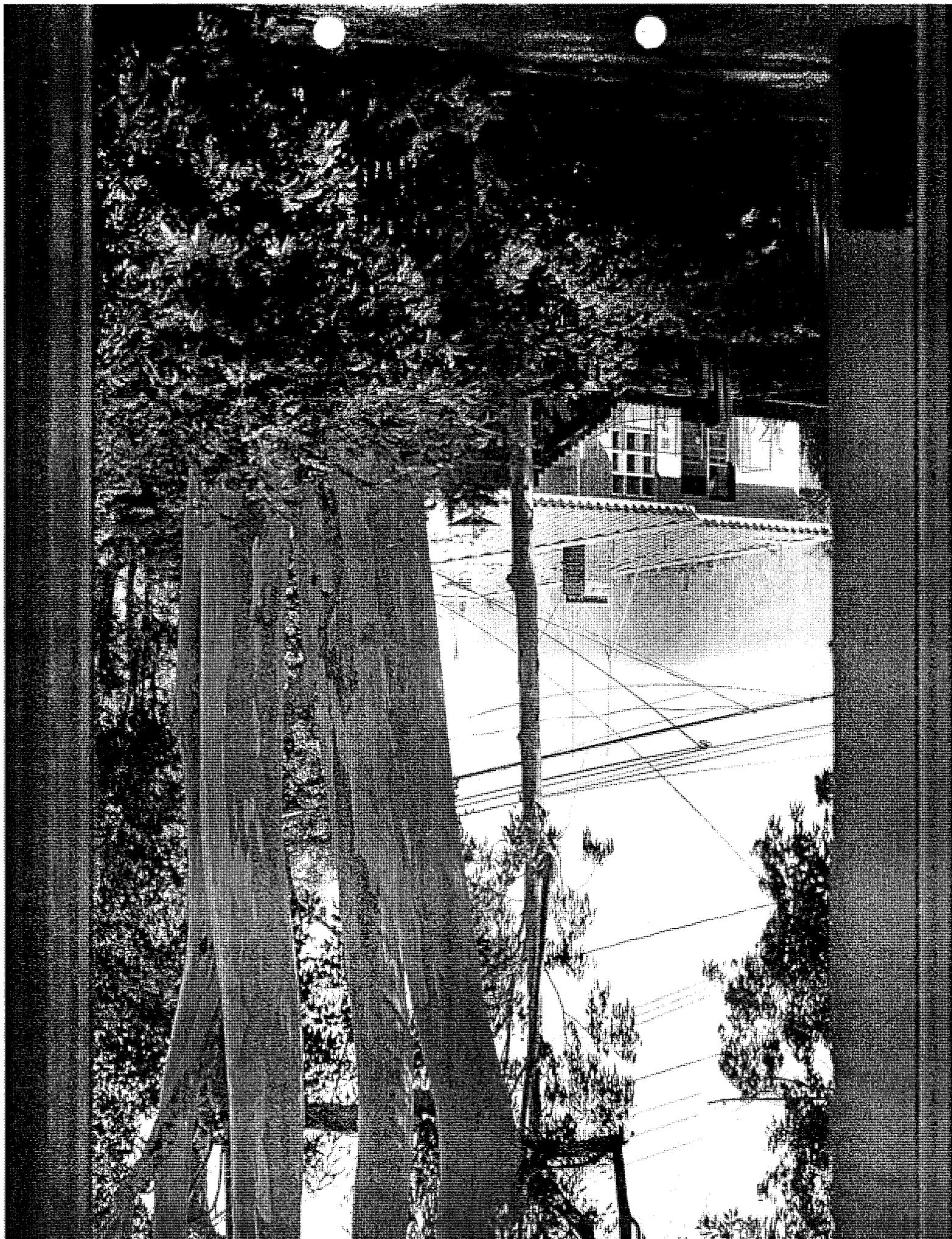




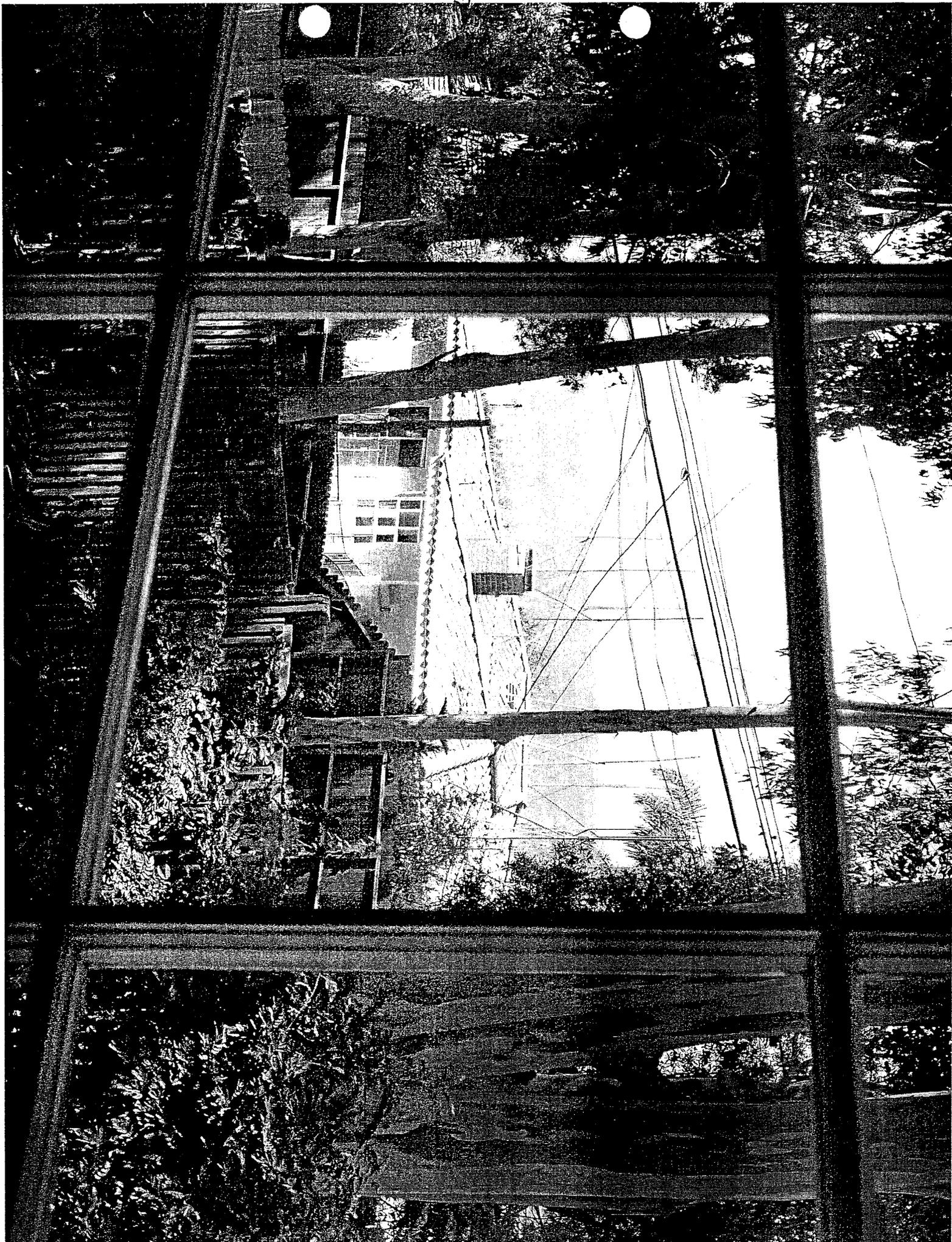




















**AGENDA ITEM NO. 9A**

**CASE TYPE & NUMBER:** Precise Plan of Development – PRE09-00004;

**NAME:** Obelisk Architects (Mr. and Mrs. Anderson)

**PURPOSE OF APPLICATION:** Request for approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone.

**LOCATION:** 122 Calle de Arboles

**ZONING:** R-1, Single-Family Residential District / Hillside Overlay District

**ADJACENT ZONING AND LAND USE:**

NORTH: R-1; Hillside Overlay District, One-Story Single Family Residence

SOUTH: City of Palos Verdes Estates; Two-Story Single Family Residences

EAST: R-1; Hillside Overlay District, One-Story Single Family Residence

WEST: R-1; Hillside Overlay District, Two-Story Single Family Residence

**GENERAL PLAN DESIGNATION:** Low-Density Residential

**COMPLIANCE WITH GENERAL PLAN:** The site has a General Plan Land Use Designation of Low Density Residential allowing up to nine dwelling units per acre. The proposed construction of a two-story single-family residence on this property is consistent with Low Density Residential designation.

**EXISTING IMPROVEMENTS AND /OR NATURAL FEATURES:** The subject property contains a one story single family residence with an attached two-car garage.

**ENVIRONMENTAL FINDINGS:** New construction of one single family residence in a residential zone is Categorically Exempted by the 2009 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301.

**BACKGROUND AND ANALYSIS:**

The property is an interior rectangular lot that is 6,260 square feet in area, and is located in the R-1 Zone, within the Hillside Overlay District. The lot is currently developed with a 1,736 square foot one-story single family residence with an attached two-car garage. The applicant is requesting approval of a Precise Plan of Development to allow the construction of a new two-story single family residence. The total area for the new project is 3,439 sf. On the first floor, the project will include four bedrooms, the garage and a den. The second floor layout will feature the living area, kitchen and an

office. The remodeled house will feature a Mediterranean style with a combination of clay tile, smooth stucco, exposed rafter tails, and matching wood trim throughout the house. The proposed front yard setback is 15'-6" at its closest point and over 20.0' overall front average; the westerly side yard setback is 6'-4"; the easterly side yard setback is 6'-3" and the proposed rear yard setback is 30'-6" for the remodeled house. Based on the Topographical Survey, the Height & Location Certification and the plans, the remodeled residence will be 26.64' in height from the lowest adjacent grade of 105.60' to the highest ridge elevation of 132.24', based on a benchmark elevation of 100.00'.

### **Project Information**

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• Lot Size	6,260 sq. ft.
• Proposed 1 <sup>st</sup> Floor	1,705 sq. ft.
• Proposed 2 <sup>nd</sup> Floor	1,288 sq. ft.
• Proposed Garage	446 sq. ft.
• Total Property Improvements	3,439 sq. ft.

### **Calculations**

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• Proposed Floor Area Ratio (FAR)	.55 %
• Proposed Lot Coverage	34 %
• Proposed Building Height	26.64' ft.

A Precise Plan of Development is required because the property is located within the Hillside Overlay District and the new construction is over fourteen feet in height. The Hillside Ordinance requires that the Planning Commission make a series of findings relating to the design of the project and its potential impact on the view, light, air and/or privacy of properties in the vicinity. The applicant has responded to this requirement in the Hillside Ordinance Criteria Response Sheet (Attachment # 3). The applicant was required to construct a silhouette to demonstrate potential impacts (Attachment # 4). A licensed engineer has verified the height of the silhouette and staff made a field inspection.

Staff has been contacted by neighbors in the area who have expressed concerns about the proposed construction. The neighbors at 126 Calle de Arboles (adjacent property to the east) indicated that they were supportive of most of the project, but they were concerned about a proposed wood trellis on the second floor front balcony as it would obstruct part of their ocean view. The applicant was notified of the situation and the plans were revised to reflect the elimination of the mentioned trellis entirely.

The neighbors at 202 Calle de Arboles (two houses to the east) have noted impacts to their ocean view from their attic area which is currently being used as an office / exercise room. Staff made a field observation and also noted the potential view impact to this area of the house. A permit search was done to determine whether this floor area was constructed before or after the implementation of the Hillside Overlay. However, it was found that this attic was never permitted or approved as living area. According to permits from the year 1999 (MIS99-00148 & BLD99-01200), the attic was intended to house mechanical units and it was supposed to be accessed via a pull-down ladder only.

Additionally, the neighbors at 2501 and 2505 Via La Selva (neighbors behind the applicant's property) have indicated potential view impacts to their properties. It should be noted that these properties are located in the City of Palos Verdes Estates and are not part of the Hillside Overlay.

In the judgment of staff, this project as conditioned, does not appear to cause adverse impacts on the view, light, air or privacy of other properties in the Hillside Overlay. The applicant has prepared a plan that complies with the R-1 standards, meets the open space requirements and is within the allowable lot coverage and Floor Area Ratio. The proposed house will not be materially detrimental to the public welfare or to the property of other persons located in the vicinity in that it will enhance the value of the property. The proposed house will not interfere with the orderly development of the City because all proposed additions will provide the Code required setbacks, and it provides on-site parking required by the Municipal Code. The land use as a single family residence complies with the Zone and General Plan designation.

For these reasons, staff recommends approval of the request as conditioned.

**PROJECT RECOMMENDATION:** APPROVAL

**FINDINGS OF FACT IN SUPPORT OF APPROVAL OF THE PRECISE PLAN:**

Findings of fact in support of approval of the precise plan are set forth in the attached Resolution.

**RECOMMENDED CONDITIONS:**

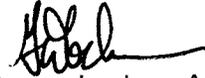
Recommended conditions of the proposed project have been set forth in the attached Resolution.

Prepared By,



Oscar Graham  
Planning Assistant

Respectfully submitted,



Gregg Lodan, AICP  
Planning Manager

**ATTACHMENTS:**

1. Planning Commission Resolution
2. Location and Zoning Map
3. Hillside Ordinance Criteria Response
4. Silhouette Certification
5. Code Requirements
6. Correspondence from Neighbors
7. Site Plan, Floor Plans, & Elevations

**PLANNING COMMISSION RESOLUTION NO. 09-050**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 122 CALLE DE ARBOLES.

**PRE09-00004:  
OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)**

**WHEREAS**, the Planning Commission of the City of Torrance conducted a public hearing on November 18, 2009 to consider an application for a Precise Plan of Development filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles;

**WHEREAS**, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 6, Article 2 of the Torrance Municipal Code; and

**WHEREAS**, new construction of one single family residence in a residential zone is Categorically Exempted by the 2009 Guidelines for Implementation of the California Environmental Quality Act; Article 19, Section 15301; and

**WHEREAS**, the Planning Commission of the City of Torrance does hereby find and determine as follows:

- a) That the property is located at 122 Calle de Arboles ;
- b) That the property is identified as Lot 26 of Tract 19306, in the City of Torrance, County of Los Angeles, State of California;
- c) That the proposed residence as conditioned will not have an adverse impact upon the view, light, air and privacy of other properties in the Hillside Overlay because the additions are located in areas over which the adjacent properties do not currently have views; and
- d) That the proposed residence has been located planned and designed so as to cause the least intrusion on the views, light, air and privacy of other properties in the Hillside Overlay as the height of the residence is under the maximum allowed in the Zone ; and
- e) That the design provides an orderly and attractive development in harmony with other properties in the vicinity because the exterior materials are of a high quality

and the architectural style is in keeping with the architecture of the surrounding residences; and

- f) That the design will not have a harmful impact upon the land values and investment of other properties in the vicinity because the exterior will be treated with high-quality finishes equal to those of surrounding residences; and
- g) That granting such application would not be materially detrimental to the public welfare and to other properties in the vicinity because a single-family residence is an appropriate use for this property. The proposed additions will update a residence built in 1954 and it will be in compliance with the R-1 Zone; and
- h) That the proposed residence would not cause or result in an adverse cumulative impact on other properties in the vicinity because the proposed additions and resulting residence conforms to the Low-Density Residential Designation of the Land Use Element of the General Plan of the City of Torrance; and
- i) That it is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the building height, as the applicant would not be able to preserve usable yard areas and the existing swimming pool; and
- j) That denial of such an application would result in an unreasonable hardship to the applicant because the proposed residence conforms to all code requirements as the project does not appear to have an adverse impact on the view, light, air and privacy of other properties in the Hillside Overlay; and
- k) That granting the application would not be materially detrimental to the public welfare and to other properties in the vicinity because the proposed residence complies with all zoning development standards.

**WHEREAS**, the Planning Commission by the following roll call votes APPROVED PRE09-00004, subject to conditions:

AYES:                    COMMISSIONERS:

NOES:                    COMMISSIONERS

ABSENT:                COMMISSIONERS:

ABSTAIN:               COMMISSIONERS:

**NOW, THEREFORE, BE IT RESOLVED** that PRE09-00004, filed by Obelisk Architects (Mr. and Mrs. Anderson) to allow the construction of a new two-story single family residence, on property located in the Hillside Overlay District in the R-1 Zone at 122 Calle de Arboles, on file in the Community Development Department of the City of Torrance, is hereby APPROVED subject to the following conditions:

1. That the use of the subject property for a single-family residence shall be subject to all conditions imposed in Precise Plan of Development 09-00004 and any amendments thereto or modifications thereof as February be approved from time to time pursuant to Section 92.28.1 et seq. of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said use shall be established or constructed and shall be maintained in conformance with such maps, plans, specifications, drawings, applications or other documents presented by the applicant to the Community Development Department and upon which the Planning Commission relied in granting approval;
2. That if this Precise Plan of Development 09-00004 is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period as provided for in Section 92.27.1;
3. That the maximum height of the residence at the highest point of the roof shall not exceed a height of 26.64' as represented by the elevation of 132.24' and a lowest adjacent grade of 105.60' based on a bench mark elevation of 100.00' located near the southeasterly corner of the property as shown on the official survey map on file in the Community Development Department; (Development Review)
4. That the height of the structure shall be certified by a licensed surveyor/engineer prior to requesting a framing or roof-sheathing inspection and shall not exceed 26.64' based on the elevation of 132.24' and a lowest adjacent grade of 105.60' as indicated on the certified silhouette based on the benchmark elevation of 100.00' as shown on the survey map on file in the Community Development Department; (Development Review).
5. That an automatic electric roll-up garage door shall be installed for the remodeled garage; (Development Review);
6. That exterior color and material samples shall be submitted to the Community Development Department for approval prior to the issuance of any building permits; (Development Review)
7. That the silhouette shall remain in place for at least 15 days through the appeal period, but no more than 45 days after the final public hearing to the satisfaction of the Community Development Director; (Development Review)
8. That within 30 days of the final public hearing, the applicant shall remove the "Public Notice" sign to the satisfaction of the Community Development Director; (Development Review)
9. That 4" (minimum) contrasting address numerals are provided (Environmental Division)
10. That the finished garage interior depth shall be a minimum of 20'-0" with no encroachments. The one foot step encroachment into the garage shall be relocated. The door from the laundry to the garage must open into the residence and shall not swing open into the garage space. (Environmental Division)
11. That all conditions of other City Departments received prior to or during the consideration of this case by the Planning Commission shall be met.

Introduced, approved and adopted this 18th day of November, 2009.

\_\_\_\_\_  
Chairman, Torrance Planning Commission

ATTEST:

\_\_\_\_\_  
Secretary, Torrance Planning Commission

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES) ss  
CITY OF TORRANCE         )

I, Gregg Lodan, Secretary to the Planning Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Planning Commission of the City of Torrance at a regular meeting of said Commission held on the 18th day of November, 2009, by the following roll call vote:

AYES: COMMISSIONERS:

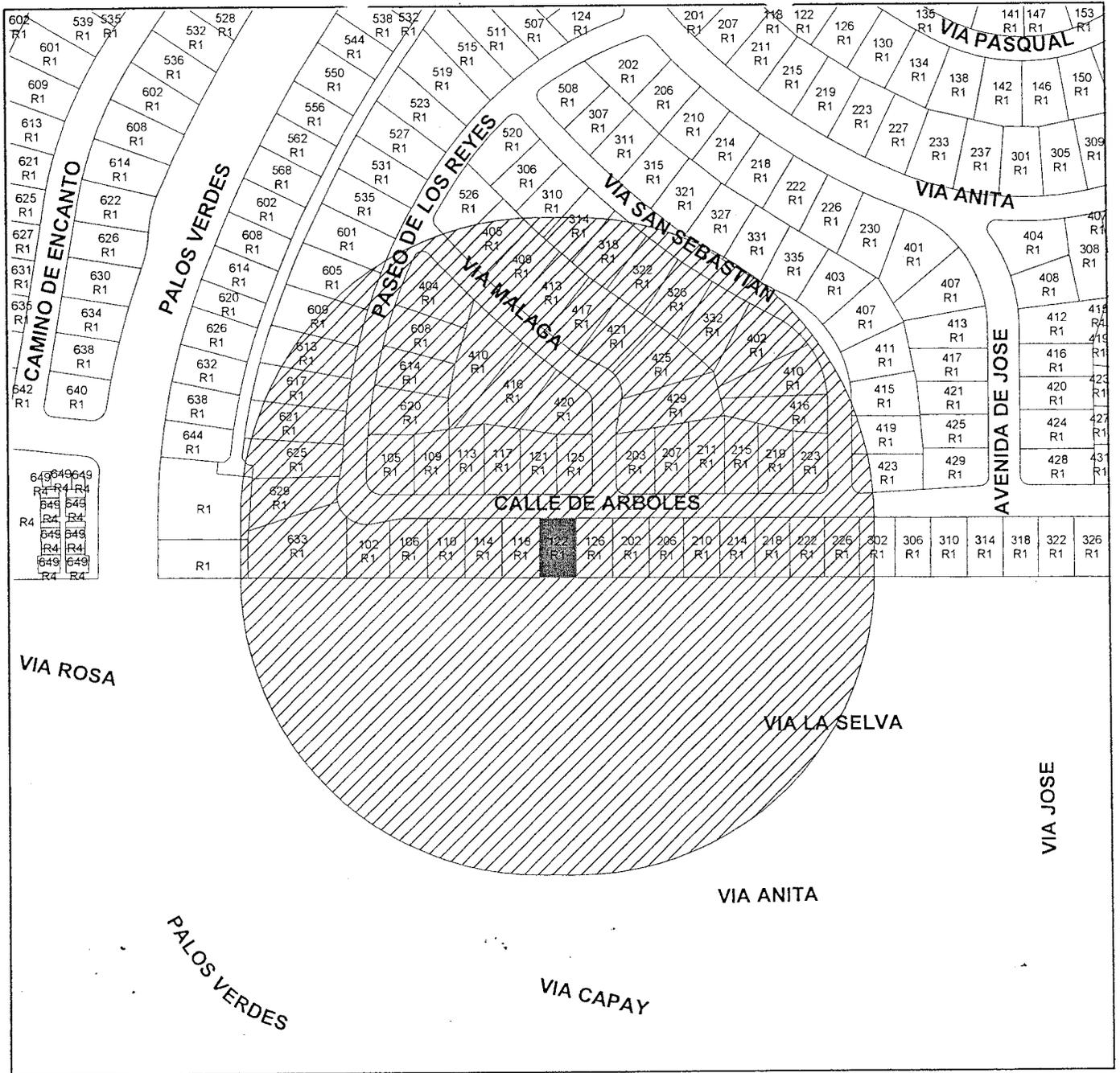
NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

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Secretary, Torrance Planning Commission



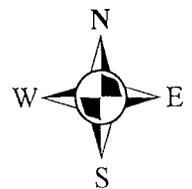
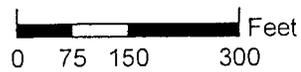
### LOCATION AND ZONING MAP

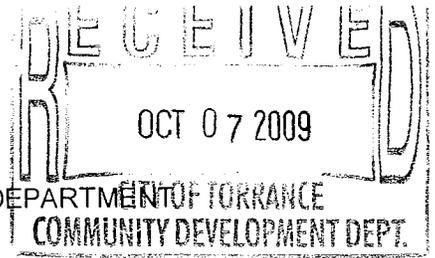
122 Calle de Arboles  
PRE09-00004



### LEGEND

-  Proposed Site
-  Notification Area





CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT

TO BE SUBMITTED WITH HILLSIDE PRECISE PLAN APPLICATION **PRE 09-00004**

GIVE FACTS TO SUBSTANTIATE THE FOLLOWING CRITERIA BY WHICH THE PLANNING COMMISSION MAY GRANT THIS HILLSIDE PRECISE PLAN. IT IS MANDATORY THAT THESE CRITERIA BE MET BEFORE THE CITY MAY LEGALLY GRANT A HILLSIDE PRECISE PLAN: AND, IT IS INCUMBENT UPON THE APPLICANT TO PROVE TO THE SATISFACTION OF THE CITY THAT THE CRITERIA ARE MET:

(To be completed by all applicants)

1. Planning and Design (91.41.6)
  - a. The following facts demonstrate that the proposed development will not have an adverse impact upon the view, light, air and privacy of other properties in the vicinity:

**The proposed home was designed to step back out of existing second story views from neighboring homes. The street is a steep slope and allows homes uphill to view over the proposed second story. Great attention to preserving view corridors was made in the design of the home. The design is intended to cause the least intrusion on the surrounding properties.**

- b. The following planning, design and locational considerations will insure that the proposed development will cause the least intrusion on the views, light, air, and privacy of other properties in the vicinity:

**The building is designed with the majority of the square footage on the ground floor. The second floor is centered on the lot and is not designed from property set back to set back.**

- c. The following design elements have been employed to provide an orderly and attractive development in harmony with other properties in the vicinity:

**The home is similar to the adjacent two story homes only further pulled back from the street to allow for a reduction of bulk/volume and allowing the neighbors ocean view to remain. The materials of construction are like those of the existing neighborhood.**

- d. The following aspects of the design insure that the development will not have a harmful impact upon the land values and investment of other properties in the vicinity:

**The proposed home is intended to appear like the traditional 1920's Spanish Colonial homes designed on the Riviera.**

- e. Granting this application would not be materially determined to the public welfare and to other properties in the vicinity for the following reason (s):

**It will be made of quality construction materials and finishes as well as a beautiful building for the surrounding home to view.**

- f. The proposed development will not cause or result in an adverse cumulative impact on other properties in the vicinity for the following reasons:

**The home is designed for a family that can grow into it. It will house a family of five and will encourage family life for the next 100 years. While designing the home the Hillside overlay was taken into account and minimizing impacts was a significant goal. In doing this, the home will not adversely impact properties.**

2. LIMITATION IN INCREASE IN HEIGHT (91.41.10) (To be completed by applicant for a Precise Plan that would increase the height of any part of the building to a height greater than that of the existing building)

- a. It is not feasible to increase the size of or rearrange the space within the existing building or structure for the purposes intended except by increasing the height, demonstrated by the following facts:

**The existing home is not safe to rework due to a mould problem with in the home. In addition the existing pool (propose to remain) uses much of the land and will not allow for a redevelopment of the existing home.**

- b. Denial of this application would constitute an unreasonable hardship for the following reason (s):

**The proposed home keeps in mind and is designed on the basis of the least intrusion of view, light, air and privacy of surrounding properties. The home borders PVE and is aligned with the edge boundary of the Hillside overlay but works within the guidelines to respect the overlay.**

- c. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

**The proposed home is a significant improvement to the existing home and with the sensitivity to green materials will prove to be a much healthier home for the neighborhood.**

3. LIMITATION IN INCREASE IN BUILDING SPACE LOT COVERAGE  
(91.41.11)

- a. Denial of this application would constitute an unreasonable hardship for the following reason (s):

**In many cases homes approved in Torrance are much larger than the home proposed here. Much of the size of the home is found in the garage, not where people live but where cars are stored and the home actually is less than 3,000 sq. ft. This is a nice yet modest size home for the Riviera.**

- b. Granting this application would not be materially detrimental to the public welfare and to other properties in the vicinity for the following reason (s):

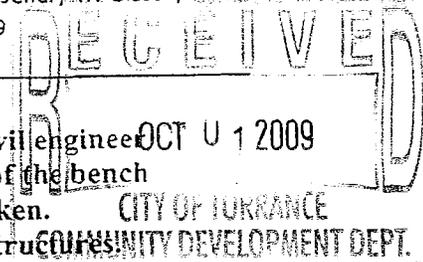
**The proposed home is designed on the basis of the least intrusion of view, light, air and privacy of surrounding properties. The fact that the topography is severe and allows for view over the second story makes this property unique to overlay and that it borders PVE it is a less impactful project within the community.**

CITY OF TORRANCE – COMMUNITY DEVELOPMENT DEPARTMENT



City of Torrance, Community Development Department Jeffrey W. Gibson, Director  
3031 Torrance Blvd., Torrance, CA 90503 (310) 618-5990 Fax: (310) 618-5829

### Height and Location Certification



The survey must be performed by a licensed land surveyor or civil engineer and should be accompanied by a map which shows the location of the bench mark and the locations where the measurements were taken.

The map should also show the location of existing and proposed structures.

### SILHOUETTE CERTIFICATION

I have surveyed the silhouette located at 122 CALLE DE ARBOLES  
(address)

REDONDO BCH on 8.29.09, based on plans submitted to the City of Torrance  
(date)

by OBELISK AIA on 8.26.09. The survey was taken  
(applicant/architect) (date)

from a bench mark located at 122 CALLE DE ARBOLES  
(address)

(attached map) which established a base elevation of 100.00

The ridge line/highest point of the roof was determined to have an elevation of 132.24'

The plans indicate that the elevation should be 132.24

*I certify that I have measured the location of pertinent features located on the subject property. Based on the plans submitted to the Community Development Department, I have verified that the silhouette/construction accurately represents the proposed structure in terms of height, building envelope, location on the site, and all setbacks.*

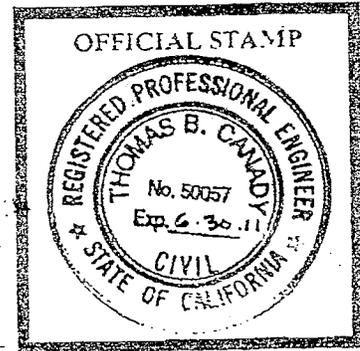
THOMAS B. CANADY  
Name (please print)

50057  
LS/RCE=

[Signature]  
SIGNATURE

PHONE

8.29.09  
DATE



Notes: \_\_\_\_\_



### **CODE REQUIREMENTS**

The following is a partial list of code requirements applicable to the proposed project. All possible code requirements are not provided here and the applicant is strongly advised to contact each individual department for further clarification. The Planning Commission may not waive or alter the code requirements. They are provided for information purposes only.

#### **Building and Safety:**

- Comply with the State Energy Requirements.
- Provide underground utilities.
- Pre-wire for cable television

#### **Engineering Division:**

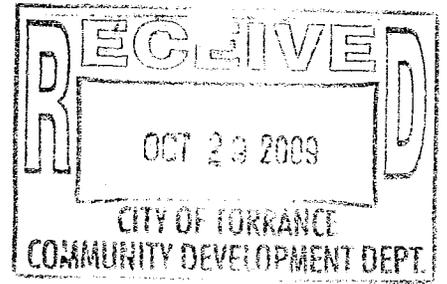
- A construction and Excavation Permit is required from the Community Development Department , Engineering Permits and Records Division for any work on the public right of way.
- Remove existing retaining wall that is in the public right of way.

#### **Environmental:**

- The property shall be landscaped prior to final inspection (92.21.9).
- Provide 4" contrasting address numerals for residence.
- The front yard of the property shall not be more than 50 % paved
- Wall and fences require a separate permit. Any gates leading to the pool area must have self-latching / self-closing gates, with the latches at least 4'-6" above finished grade.
- During construction, the pool / spa shall be fenced or enclosed in some manner so that the area is safe and not accessible.
- The finished garage interior depth must be a minimum of 20'-0" with no encroachments. The one foot step encroachment into the garage has been noted. The door from the laundry to the garage must open into the residence and shall not swing open into the garage space.

#### **Grading Division :**

- Obtain grading permits prior to issuance of building permits.
- Submit two copies of grading / drainage plan with soil investigation report. Show all existing and proposed grades, structures, required improvements and any proposed drainage structures.



Marcia Good  
 2501 Via La Selva  
 Palos Verdes Estates, CA 90274  
 Email: [Marcia.good@gte.net](mailto:Marcia.good@gte.net)  
 310.375.6050

October 26, 2009

Mr. Oscar Graham  
 Torrance Planning Assistant Community Development Department  
 3031 Torrance Blvd.  
 Torrance, CA 90503

**Re: 122 Calle de Arboles, Torrance California**

Dear Mr. Graham,

This letter is my official written notification of objection to the proposed second story addition on the 122 Calle de Arboles property.

I have resided at my home located at 2501 Via La Selva for twenty-two years. The ocean and coastline view from my back windows facing the 122 Calle de Arboles property can be seen from one's first step onto the hallway that leads to my bedroom. There are three windows in my bedroom that allow a sweeping view of the Santa Monica Bay. These windows are located directly to the back of the 122 Calle de Arboles property.

The Santa Monica Bay coastline and ocean view is not something I take for granted. This scene is an important part of my everyday life as I enjoy looking at the ocean and coastline while I rest, work and dress. This view is the first thing I see from my bed in the morning and the coastline's evening's twinkle lights are the last thing I see at night.

From my driveway, a second story addition will visually change the tranquility and spirit of that living space. I use this area of my property to entertain several times every year. The area described is L-shaped with the park-strip's trees lining the back fence. A second story addition to 122 Calle de Arboles will disrupt the serenity of an area I use to entertain and sunbathe.

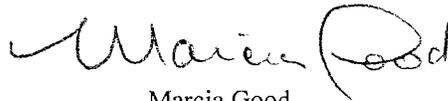
Constructing a second story on the 122 Calle de Arboles property will take away my view of the coastline and ocean. It will simply be gone. The architectural intent of planning a master suite at the back of my house was solely for this view.

The taking away of this ocean and coastline view will decrease the value of my property. This is no small matter to me, and I am prepared to contest the second story addition at 122 Calle de Arboles if necessary.

I respectfully request the Torrance Planning Department deny the addition of a second story at 122 Calle de Arboles as it obstructs my property's existing values and vistas.

Please feel free to contact me at the above addresses and number.

Very truly yours,

A handwritten signature in black ink that reads "Marcia Good". The signature is written in a cursive style with a large, looped "G" at the end.

Marcia Good

**Graham, Oscar**

---

**From:** Julie Draper [julie@jbradshaw.com]  
**Sent:** Friday, October 23, 2009 10:07 AM  
**To:** Graham, Oscar  
**Subject:** 122 Calle De Arboles, Torrance

Marion and I live at 2505 Via La Selva in Palos Verdes Estates, CA 90274. We do have concerns about the project at 122 Calle De Arboles in Torrance. It would substantially block our ocean view in our den, living room, dining room and kitchen. This would impair our enjoyment of our house location and also lessen the value of our house.

We oppose the project. Please keep us informed of any hearings.

Sincerely,  
Jack and Marion Bradshaw  
2505 Via La Selva  
Palos Verdes Estates, CA 90274  
Phone 310-791-1027  
[marionbradshaw@cox.net](mailto:marionbradshaw@cox.net)

# Daily Breeze

21250 HAWTHORNE BLVE, STE 170 \* TORRANCE CALIFORNIA 90503-4077  
(310) 543-6535 \* (310) 540-5511 Ext. 395

## PROOF OF PUBLICATION (201 5.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the THE DAILY BREEZE

a newspaper of general circulation, printed and published \_\_\_\_\_

in the City of Torrance  
County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of \_\_\_\_\_

June 10, 1974

Case Number SWC7146  
that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement there of on the following dates, to-wit

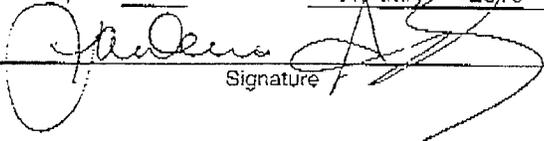
January 29,

all in the year 2010

the foregoing is true and correct.

Dated at Torrance

California, this 29 January 2010

  
Signature

\*The Daily Breeze circulation includes the following cities:  
Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Manhattan Beach, Marina Del Rey, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Redondo Beach, San Pedro, Torrance and Wilmington

This space is for the County Clerk's Filing Stamp

Proof of Publication of

DB

Public Notices (5)	Public Notices (5)	Public Notices (5)
--------------------	--------------------	--------------------

DB 1-133  
**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Torrance City Council at 7:00 p.m., February 9, 2010 in the City Council Chambers of City Hall, 3031 Torrance Boulevard, Torrance, California, on the following matter:

PRE09-00004, Obelisk Architects (Mr. and Mrs. Anderson): City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 122 Calle de Arboles.

Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing; and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title III].

For further information, contact the DEVELOPMENT REVIEW DIVISION of the Community Development Department at (310) 618-5990.

SUE HERBERS  
CITY CLERK

Pub: January 29, 2010

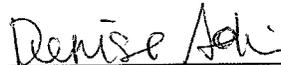
**PROOF OF SERVICE BY MAIL**

I, the undersigned, am a resident of the County of Los Angeles, State of California, over the age of eighteen years, and not a party to the within action. I am employed by the City of Torrance, 3031 Torrance Boulevard, Torrance California 90503.

On **January 28, 2010**, I caused to be mailed **138** copies of the within notification for City Council **PRE09-00004: OBELISK ARCHITECTS (MR. AND MRS. ANDERSON)** to the interested parties in said action by causing true copies thereof to be placed in the United States mail at Torrance California.

I declare under penalty of perjury that the foregoing is true and correct.

Executed **January 28, 2010** at Torrance, California.



(signature)

**CITY OF TORRANCE**  
**Community Development Department**  
**3031 Torrance Boulevard**  
**Torrance, CA 90503**

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Material can be reviewed in the Community Development Department. All persons interested in the above matter are requested to be present at the hearing or to submit their comments to the City Clerk, City Hall, 3031 Torrance Boulevard, Torrance, CA 90503, prior to the public hearing.

If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community Development Department or the office of the City Clerk prior to the public hearing, and further, by the terms of Resolution No. 88-19, you may be limited to ninety (90) days in which to commence such legal action pursuant to Section 1094.6 of the Code of Civil Procedure.

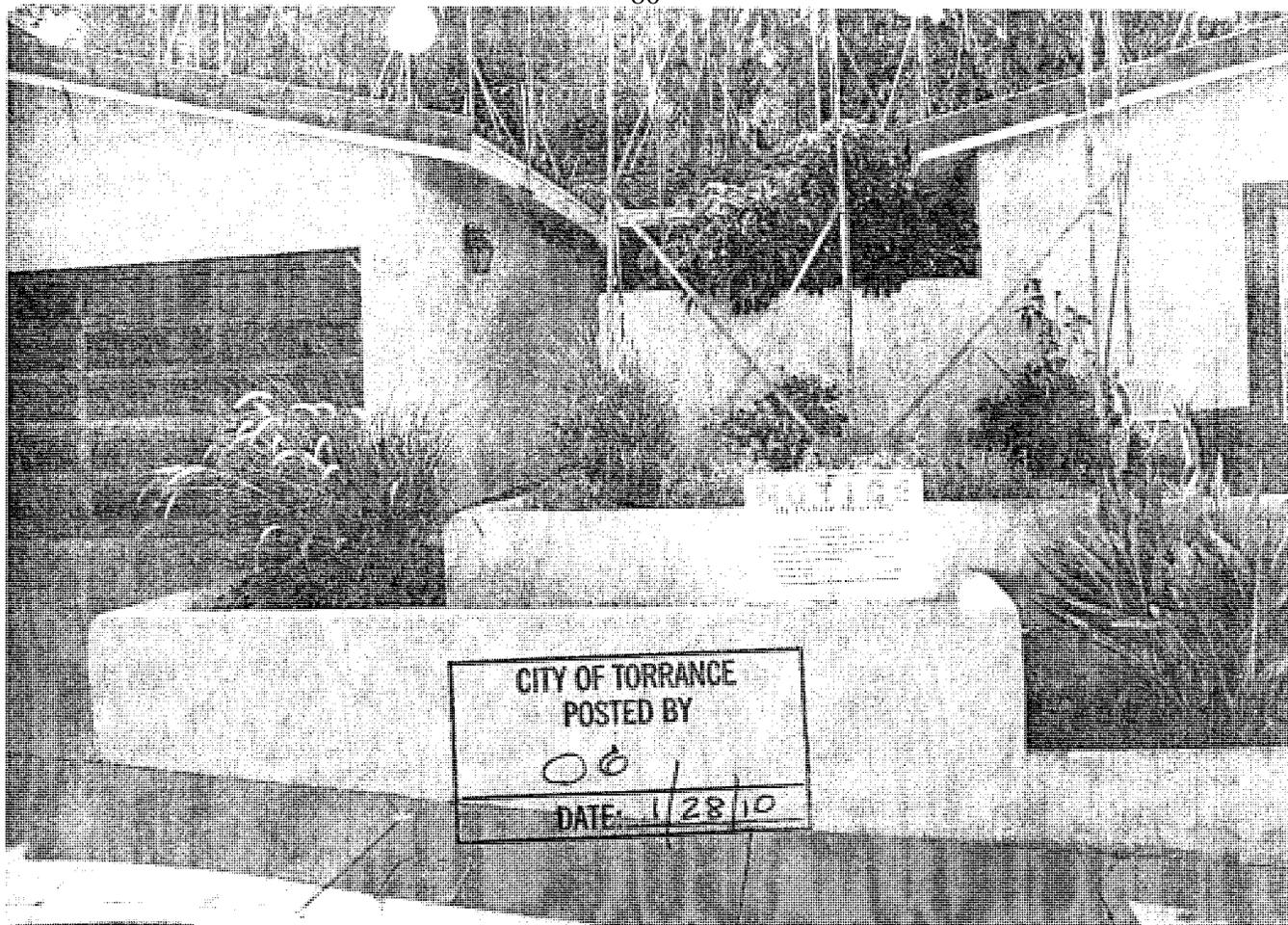
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (310) 618-5990. If you need a special hearing device to participate in this meeting, please contact the City Clerk's Office at (310) 618-2870. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

For further information, contact the **DEVELOPMENT REVIEW DIVISION** of the Community Development Department at (310) 618-5990.

Publish: **January 29, 2010**

**SUE HERBERS**  
**CITY CLERK**

**One hundred thirty eight (138) notices mailed 01/28/10. da**  
**(105) to residents and (33) to HOA.**



**NOTICE**  
*Of Public Hearing*

**CITY COUNCIL**

NOTICE IS HEREBY GIVEN that the CITY COUNCIL will have a request for consideration of an appeal of a Planning Commission approval of a Precise Plan of development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone.

Applicant: **Oholisk Architects (Mr. & Mrs. Anderson)** Case Type: **PRECISE-00004**

Location: **122 Calle de Arboles**

Hearing date: **February 9, 2010** Time: **7:00 PM**

Place of hearing: **Council Chambers, City Hall, 3031 Torrance Boulevard**

FOR INFORMATION CALL THE COMMUNITY DEVELOPMENT DEPARTMENT AT (310) 615-5000